

# **STATE PERSONNEL BOARD CALENDAR**



**MAY 18, 2007**

**SACRAMENTO**

**State of California**

**Memorandum**

**DATE:** May 9, 2007

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD – Executive Office

**SUBJECT:** Notice and Agenda for the **May 18, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on May 18, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the May 18, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a stylized flourish at the end.

Karen Yu  
Secretariat's Office

Attachment



## **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

### **MID MONTH BOARD MEETING – MAY 18, 2007**

---

<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup>Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**MID MONTH BOARD MEETING AGENDA<sup>3</sup>**

**MAY 18, 2007**  
9:00 a.m. – 10:30 a.m.  
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:30 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**
- 3. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 4. NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

- 5. REPORT ON LEGISLATION – Sherry Evans**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(9:30 a.m. – 10:00 a.m.)**

- 6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

---

<sup>3</sup> The Agenda for the Board Meetings can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

**7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California  
United States District Court, Northern District of California  
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.  
Case No. C01-1351 TEH

Colocousis, et al. v. State Personnel Board, et al.  
Sacramento Superior Court Case No. 07CS00461

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature. [Government Code section 18653.]

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:00 a.m. – Onwards)**

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF JUNE 5, 2007, IN SACRAMENTO, CALIFORNIA**

**BOARD ACTIONS:**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF APRIL 17, 2007**

13. **EVIDENTIARY CASES** - (See Case Listings on Pages 9–16)
14. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION** - (See Agenda on Pages 21–22)
15. **NON-EVIDENTIARY CASES** - (See Case Listings on Pages 16–18)
16. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**TAX COUNSEL**

The Franchise Tax Board and the Board of Equalization in conjunction with the Department of Personnel Administration proposes the following revisions to the Tax Counsel Series specification: revising the minimum qualifications for the Tax Counsel III and Tax Counsel IV levels; updating the Knowledge, Skills and Abilities sections; and revising Alternate Range Criteria # 315.

**CASE RECORDS TECHNICIAN  
SUPERVISING CASE RECORDS TECHNICIAN**

The California Department of Corrections and Rehabilitation (CDCR) in conjunction with the Department of Personnel Administration proposes to establish the new classification of Case Records Technician and Supervising Case Records Technician; establishment of a twelve month probationary period; adoption of Alternative Range Criteria 454; reallocation of incumbents from existing classes to the deep class of Case Records Technician and Supervising Case Records Technician.

**SENIOR REAL ESTATE OFFICER**

The Department of General Services (DGS) and the Department of Personnel Administration (DPA) propose the following changes to the Senior Real Estate Officer class series: establishment of the class of Senior Real Estate Officer (Specialist) with a 12-month probationary period; re-title the class of Senior Real Estate Officer to Senior Real Estate Officer (Supervisory); and revise the series specification to update and more accurately reflect the current work requirements of the class series.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

**NONE**

**17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**BLANKETING HALF MOON BAY FIRE PROTECTION DISTRICT  
EMPLOYEES INTO STATE CIVIL SERVICE**

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the employees from the Half Moon Bay Fire Protection District be transferred into State civil service.

**18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

***PLATA* REGIONAL PERSONNEL OFFICER, NORTHERN**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Northern Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.



**PLATA REGIONAL PERSONNEL OFFICER, SOUTHERN**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Southern Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.

**PLATA REGIONAL PERSONNEL OFFICER, CENTRAL**

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. Under the direction of the Deputy Director, *PLATA* Support Services, the *PLATA* Central Regional Personnel Officer will design, organize, and implement the new regional concept and will be responsible for developing policy and procedures to focus on expeditiously hiring and retaining medical professionals and their support staff.

**DEPUTY DIRECTOR, CONSUMER PROTECTION AND ELECTRIC  
GENERATION PERFORMANCE, CONSUMER PROTECTION AND  
SAFETY DIVISION (CPSD)**

The Public Utilities Commission proposes to re-allocate the above position to the CEA category.

**DEPUTY DIRECTOR, SAFETY AND RELIABILITY, CONSUMER  
PROTECTION AND SAFETY DIVISION (CPSD)**

The Public Utilities Commission proposes to allocate the above position to the CEA category.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF OF PUBLIC AFFAIRS**

The Bureau of State Audits' proposal to re-establish the above position to the CEA category was approved April 20, 2007.

**CHIEF INFORMATION OFFICER**

The Department of Financial Institutions' proposal to allocate the above position to the CEA category was approved April 20, 2007.

**PROGRAM DIRECTOR, PERFORMANCE MEASUREMENTS, DIVISION  
OF CORRECTIONAL HEALTH CARE SERVICES**

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category was approved effective April 20, 2007.

**DEPUTY DIRECTOR, STRATEGIC PLANNING AND DEVELOPMENT  
BRANCH**

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category was approved effective April 20, 2007.

**19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**22. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 19–20)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

### 13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

#### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 05-2211A**

Appeal from dismissal

**Classification:** Senior Tax Compliance Representative

**Department:** Employment Development Department

Proposed decision rejected September 20, 2006.

Transcript prepared.

Pending oral argument February 6-7, 2007, Los Angeles.

Oral argument continued

Pending oral argument March 6-7, 2007, Sacramento.

Oral argument rescheduled to March 2, 2007, Sacramento.

Oral argument heard March 2, 2007.

Case ready for decision by FULL Board.

(2) **CASE NO. 06-1433**

Appeal from official reprimand

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

(3) **CASE NO. 05-0929PA**

Appeal from rejection during probation

**Classification:** Health Program Manager I

**Department:** Department of Health Services

Petition for Rehearing granted February 20, 2007.

Pending oral argument May 8, 2007, Sacramento.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

- (4) **CASE NO. 06-0188A**  
Appeal from dismissal  
**Classification:** Physician and Surgeon, CF  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected February 20, 2007.  
Transcript prepared.  
Pending oral argument April 3, 2007, Sacramento.  
Oral argument heard April 3, 2007.  
Case ready for decision by FULL Board.
- (5) **CASE NO. 05-1067A**  
Appeal from dismissal  
**Classification:** Investigator  
**Department:** Department of Motor Vehicles  
  
Proposed decision rejected January 9, 2007.  
Transcript prepared.  
Pending oral argument May 8, 2007, Sacramento.  
Oral argument heard May 8, 2007.  
Case ready for decision by FULL Board.
- (6) **CASE NO. 04-2919ERPA**  
Appeal from discrimination and retaliation  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for Rehearing granted February 20, 2007.  
Transcript prepared.  
Pending oral argument May 8, 2007, Sacramento.  
Oral argument heard May 8, 2007.  
Case ready for decision by FULL Board.
- (7) **CASE NO. 05-0927BA**  
Appeal for back salary determination  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected December 5, 2006.  
Transcript prepared.  
Pending oral argument April 3, 2007, Sacramento.  
Oral argument heard April 3, 2007.  
Case ready for decision by FULL Board.

**(8) CASE NO. 06-1310**

Appeal from 14 working days suspension

**Classification:** Regional Administrator

**Department:** Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

**B. CASES PENDING**

**ORAL ARGUMENTS**

**NONE PRESENTED**

**C. CHIEF COUNSEL RESOLUTIONS**

**(1) CASE NO. 05-3741**

Appeal from dismissal

**Classification:** Medical Technical Assistant, CF

**Department:** Department of Corrections and Rehabilitation

Request for Order to Show Cause against Department of  
Corrections and Rehabilitation

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE PRESENTED**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE PRESENTED**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

**(1) CASE NO. 06-2528E**

Appeal from denial of request for reasonable accommodation

**Classification:** Employment Program Representative

**Department:** Employment Development Department

- (2) **CASE NO. 06-1797**  
Appeal from 20 working days suspension  
**Classification:** Employment Program Representative  
**Department:** Employment Development Department
- (3) **CASE NO. 06-3551**  
Appeal from five percent reduction in salary for 12 months  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-2154**  
Appeal from official letter of reprimand  
**Classification:** Correctional Case Records Supervisor  
**Department:** Department of Corrections and Rehabilitation
- (5) **CASE NO. 06-0640 & 06-1594N**  
Appeal from dismissal and discrimination/retaliation complaint  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections and Rehabilitation
- (6) **CASE NO. 06-3374**  
Appeal from Official Letter of Reprimand  
**Classification:** Protestant Chaplain  
**Department:** Department of Corrections and Rehabilitation
- (7) **CASE NO. 06-0738**  
Appeal from dismissal  
**Classification:** Correctional Sergeant I  
**Department:** Department of Corrections and Rehabilitation
- (8) **CASE NO. 06-3236**  
Appeal from 10 percent reduction in salary for 24 months  
**Classification:** Registered Nurse  
**Department:** Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-4158**  
Appeal from formal reprimand  
**Classification:** Correctional Officer I  
**Department:** Department of Corrections and Rehabilitation
- (10) **CASE NO. 06-2758**  
Appeal from 5 percent reduction in salary for 3 pay periods  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation

May 18, 2007

- (11) **CASE NO. 06-2437**  
Appeal from dismissal  
**Classification:** Physician and Surgeon  
**Department:** Department of Corrections and Rehabilitation
- (12) **CASE NO. 06-3525**  
Appeal from dismissal  
**Classification:** Electrician II  
**Department:** Department of Developmental Services
- (13) **CASE NO. 05-2388E**  
Appeal from discrimination  
**Classification:** Associate Governmental Programs Analyst  
**Department:** Department of Corrections and Rehabilitation
- (14) **CASE NO. 06-3721**  
Appeal from dismissal  
**Classification:** Medical Technical Assistant  
**Department:** Department of Corrections and Rehabilitation
- (15) **CASE NO. 06-2444**  
Appeal from 60 work days suspension  
**Classification:** Parole Agent  
**Department:** Department of Corrections and Rehabilitation

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-1635P**  
Appeal from dismissal  
**Classification:** Transportation Engineer (Civil)  
**Department:** Department of Transportation
- (2) **CASE NO. 06-4253P**  
Appeal from dismissal  
**Classification:** Caltrans Equipment Operator  
**Department:** Department of Transportation
- (3) **CASE NO. 05-4259 & 05-3276EP**  
Appeal from demotion  
**Classification:** Assistant Division Chief/Program Manager  
**Department:** Department of Motor Vehicles
- (4) **CASE NO. 05-3783P**  
Appeal from suspension for 20 working days  
**Classification:** Motor Vehicles Field Representative  
**Department:** Department of Motor Vehicles

#### **WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

#### **F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 05-1007EA**  
Appeal from denial of discrimination complaint  
**Classification:** Outside contractor  
**Department:** Department of Transportation  
  
Proposed decision rejected December 19, 2006.  
Pending oral argument April 3, 2007, Sacramento.  
Oral argument continued.  
Pending oral argument July 10-11, 2007, Sacramento.



- (2) **CASE NO. 03-3412A**  
Appeal from rejection during probation  
**Classification:** Correctional Counselor II (Supervisor)  
**Department:** Department of Corrections and Rehabilitation  
Petition for rehearing granted April 3, 2007.  
Transcript prepared.  
Pending oral argument July 10-11, 2007, Sacramento.
- (3) **CASE NO. 06-0760A**  
Appeal from rejection during probation  
**Classification:** Parole Agent I (Adult Parole)  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected November 14, 2006.  
Transcript prepared.  
Pending oral argument February 5-6, 2007, Los Angeles.  
Oral argument continued.  
Pending oral argument May 8, 2007, Sacramento.  
Oral argument continued.  
Pending oral argument July 10-11, 2007, Sacramento.
- (4) **CASE NO. 06-0235A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected January 9, 2007.  
Transcript prepared.  
Pending oral argument May 8, 2007, Sacramento.  
Oral argument continued.  
Pending oral argument June 5, 2007, Sacramento.
- (5) **CASE NO. 06-3023A**  
Appeal from ten percent reduction in salary for three months  
**Classification:** Psychiatric Technician  
**Department:** Department of Corrections and Rehabilitation  
Proposed decision rejected March 1-2, 2007.  
Transcript prepared.
- (6) **CASE NO. 05-2888PA**  
Appeal from dismissal  
**Classification:** Staff Services Analyst (General)  
**Department:** Department of Consumer Affairs  
Petition for rehearing granted October 31, 2006.  
Transcript prepared.  
Pending oral argument March 1-2, 2007, Sacramento.  
Oral argument continued.  
Pending oral argument June 5, 2007, Sacramento.

- (7) **CASE NO. 05-1285A**  
Appeal from dismissal  
**Classification:** Public Safety Dispatcher II  
**Department:** Department of California Highway Patrol  
Proposed decision rejected January 9, 2007.  
Transcript prepared.  
Pending oral argument June 5, 2007, Sacramento.  
Oral argument continued.
- (8) **CASE NO. 06-1338A**  
Appeal from rejection during probation  
**Classification:** Industrial Relations Counsel III (Specialist)  
**Department:** Department of Industrial Relations  
Proposed decision rejected May 8, 2007.  
Pending transcript.
- (9) **CASE NO. 06-2010A**  
Appeal from medical termination  
**Classification:** Administrative Support Coordinator II  
**Department:** California State University, Los Angeles  
Proposed decision rejected May 8, 2007.  
Pending transcript.
- (10) **PSC NO. 06-03, CASE NO. 07-0806PA**  
Appeal from Executive Officer's disapproval of Unarmed Security Guard Services  
**Department:** California Highway Patrol  
Petition for rehearing granted May 8, 2007.

**15. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE PRESENTED**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **CASE NO. 05-2403**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; three DUI convictions, one not disclosed.
- (2) **CASE NO. 05-2287**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.
- (3) **CASE NO. 05-1473**  
**Classification:** Medical Technical Assistant  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.
- (4) **CASE NO. 05-4253**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.
- (5) **CASE NO. 05-1068**  
**Classification:** California Highway Patrol  
**Department:** CHP Cadet  
**Issue:** Suitability; omitted pertinent information.
- (6) **CASE NO. 05-1647**  
**Classification:** Correctional Lieutenant  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.
- (7) **CASE NO. 05-2673**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; two DUI convictions.
- (8) **CASE NO. 05-3237**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections & Rehabilitation  
**Issue:** Suitability; one DUI conviction.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**(1) CASE NO. 07-0821N**

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**NONE PRESENTED**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE PRESENTED**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**NONE PRESENTED**

**PETITIONS FOR REHEARING CASES**

**NONE PRESENTED**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**6. CASE NO. 06-1814**

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**7. CASE NO. 06-1310**

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

**8. CASE NO. 05-2211A**

Appeal from dismissal. Senior Tax Compliance Representative. Employment Development Department. (Oral argument held March 2, 2007.)

**9. CASE NO. 05-3741**

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

**10. CASE NO. 06-0188A**

Appeal from dismissal. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

**11. CASE NO. 05-0927BA**

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

**12. CASE NO. 05-0929PA**

Appeal from rejection during probation. Health Program Manager I. Department of Health Services. (Oral argument held May 8, 2007.)

**13. CASE NO. 05-1067A**

Appeal from dismissal. Investigator, DMV. Department of Motor Vehicles. (Oral argument held May 8, 2007.)

**14. CASE NO. 04-2919ERPA**

Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held May 8, 2007.)

**15. HEARING – GOVERNMENTAL PROGRAM ANALYST**

The State Personnel Board in consultation with the Department of Personnel Administration proposes the establishment of the new classification of Governmental Program Analyst. (Hearing held May 8, 2007.)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*





1

(Cal. 05/18/07)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

A handwritten signature in cursive script that reads 'Sherry A. Evans'.

Sherry A. Evans  
Director of Legislation

Attachment

**STATE PERSONNEL BOARD  
LEGISLATIVE TRACKING  
REPORT  
2007-08 SESSION**

**Status as of May 4, 2007**



BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
<a href="#">AB 67</a> ( <a href="#">Dymally</a> )	<b>SUPPORT</b>	AB 67 amends the provisions contained in the Dymally-Alatorre Bilingual Services Act (Act) that require state agencies to conduct a biennial language survey and implementation plan and employ qualified bilingual staff when a significant language need is identified. The amendments proposed by this Bill standardize and define language in the Act, clarify the State Personnel Board's (SPB's) responsibility to establish bilingual fluency standards, and expand the SPB's ability to grant exemptions to the language survey and implementation plan.	05/03/2007-From committee: Do pass. To Consent Calendar. (May 2). 05/03/2007-A SECOND READING 05/07/07 35 ASM SECOND READING FILE
<a href="#">AB 147</a> ( <a href="#">Wolk</a> )	<b>Watch</b>	Intent Language. Spot Bill.	01/18/2007-From printer. May be heard in committee February 17. 01/17/2007-A PRINT
<a href="#">AB 160</a> ( <a href="#">Lieber</a> )	<b>Watch</b>	Would establish the California Sentencing Commission, with specified membership and terms, to devise sentencing guidelines. The bill would also create a Judicial Advisory Committee composed of judges, as specified, to assist the commission. This bill contains other related provisions.	03/28/2007-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 5. Noes 2.) (March 27). 03/28/2007-A APPR.
<a href="#">AB 174</a> ( <a href="#">Price</a> )	<b>No Position</b>	This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs.	04/18/2007-In committee: Set, first hearing. Referred to APPR. suspense file. 04/18/2007-A APPR. SUSPENSE FILE
<a href="#">AB 220</a> ( <a href="#">Bass</a> )	<b>Watch</b>	Would enact the Firefighters Procedural Bill of Rights Act to prescribe various rights of firefighters, defined as any firefighter, including a firefighter who is a paramedic or emergency medical technician, with specified exceptions. The bill would prescribe rights related to, among others, political activity, interrogation, punitive action, and administrative appeals. This bill contains other related provisions and other existing laws.	04/18/2007-In committee: Set, first hearing. Referred to APPR. suspense file. 04/18/2007-A APPR. SUSPENSE FILE

<a href="#"><u>AB 295</u></a> (Lieu)	<b>No Position</b>	Would require specified state agencies to use additional separate collection categories and tabulations for other major Asian and Pacific Islander groups, including Bangladeshi, Fijian, Hmong, Indonesian, Malaysian, Pakistani, Sri Lankan, Taiwanese, Thai, and Tongan. This bill would also require that these specified state agencies update their data collection categories to match those used by the United States Census. This bill would further require that state agencies that directly or by contract collect demographic data, make their demographic reports available to the public, to the extent that disclosure does not violate confidentiality.	04/25/2007-In committee: Set, first hearing. Referred to APPR. suspense file. 04/25/2007-A APPR. SUSPENSE FILE
<a href="#"><u>AB 309</u></a> (Tran)		Would specify that members appointed to specified state boards and commissions shall receive no salary for the 2007-08, 2008-09, and 2009-10 fiscal years, except that they may receive a per diem payment set pursuant to these provisions during that time.	05/02/2007-Failed Deadline pursuant to Rule 61(a)(2). Last location was B. & P. 05/02/2007-A 2 YEAR
<a href="#"><u>AB 392</u></a> (Lieu)	<b>Watch</b>	Would require a qualified employer to allow a qualified employee that is a spouse of a qualified member of the Armed Forces, National Guard, or Reserves to take up to 10 days of unpaid leave during a qualified leave period, as provided.	04/30/2007-Read second time. To third reading. 04/30/2007-A THIRD READING 05/07/07 109 ASM THIRD READING FILE
<a href="#"><u>AB 503</u></a> (Swanson)	<b>Watch</b>	Would prohibit a state or local agency, as defined, from requiring any employee entitled to receive overtime compensation pursuant to any federal statute or regulation to perform services outside the employee's normal work schedule unless a minimum of 8 hours' written notice of that work assignment has been provided to the employee. The bill would provide that this notice requirement shall not apply in the event of an operational emergency , and would allow a state or local agency to adopt a reasonable rule defining operational emergency. The bill would provide that these provisions shall not affect any rule in effect prior to January 1, 2008, or any negotiated memorandum of understanding, that provides for a notice of overtime assignments .	04/23/2007-Re-referred to Com. on APPR. 04/23/2007-A APPR. 05/09/07 9 a.m. - Room 4202 ASM APPROPRIATIONS
<a href="#"><u>AB 671</u></a> (Beall)		Would make legislative findings and declarations regarding the state's responsibility for the well-being of foster youth and former foster youth. The bill would require the State Personnel Board to establish an Emancipated Foster Youth Program to promote the hiring of qualified foster youth in specified entry level unclassified positions in any state agency or department as determined by the board. The bill would require a participant in the program to pass a written examination for the classification in which he or she is employed, if generally required for applicants in that classification, after 3 months, but before 9 months, of employment.	04/23/2007-Re-referred to Com. on APPR. 04/23/2007-A APPR. 05/09/07 9 a.m. - Room 4202 ASM APPROPRIATIONS

<a href="#"><u>AB 721</u></a> ( <a href="#"><u>Maze</u></a> )	<b>Watch</b>	Would provide that, notwithstanding any other provision of the act, when a Member of the Legislature requests a public record from a state agency, the state agency shall make the determination and notification required by these provisions immediately and in no event later than 3 business days after receipt of the request.	04/26/2007-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 9. Noes 5.) (April 25). 04/26/2007-A APPR.
<a href="#"><u>AB 890</u></a> ( <a href="#"><u>Aghazarian</u></a> )	<b>Watch</b>	Would create the Commission on Peace Officer Standards and Training, which would succeed to those functions.	04/18/2007-In committee: Set, first hearing. Referred to APPR. suspense file. 04/18/2007-A APPR. SUSPENSE FILE
<a href="#"><u>AB 933</u></a> ( <a href="#"><u>Jeffries</u></a> )	<b>No Analysis Required</b>	Would revise these provisions. The bill would also delete obsolete statutory provisions relating to the Governor, Members of the Legislature, and other statewide elected officers.	04/26/2007-From committee: Do pass, and re-refer to Com. on APPR. with recommendation: To Consent Calendar. Re-referred. (Ayes 12. Noes 0.) (April 25). 04/26/2007-A APPR. 05/09/07 9 a.m. - Room 4202 ASM APPROPRIATIONS
<a href="#"><u>AB 1393</u></a> ( <a href="#"><u>Leno</u></a> )	<b>Watch</b>	Would as of January 1, 2009, require any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the act about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. It would authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2009. This bill contains other related provisions.	04/24/2007-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 10. Noes 0.) (April 24). 04/24/2007-A APPR.
<a href="#"><u>AB 1496</u></a> ( <a href="#"><u>Swanson</u></a> )	<b>Watch</b>	Would require any city or county that adopts a civil service system or its equivalent, as specified, to provide for the classification of all employment positions. The bill would allow for the exclusion from that classification requirement, substitute and short-term employees, as defined, and apprentices or professional experts employed on a temporary basis for a specific project. Further, prior to the hiring of any short-term employee, the bill would require the legislative body of a city or county to, at a public meeting, report on the specifics of that hiring and certify the ending date of service. The bill would require any existing system to conform to the above-described requirements by March 1, 2008.	04/19/2007-Read second time. To third reading. 04/19/2007-A THIRD READING 05/07/07 91 ASM THIRD READING FILE

<a href="#"><u>AB 1648</u></a> ( <a href="#"><u>Leno</u></a> )	<b>Watch</b>	Would provide that the confidentiality of peace officer records, as specified, does not apply to specified government bodies that review the investigations, findings, or employment actions of a department or agency. The bill would make specified information in certain disciplinary records pertaining to peace officers available to the public, as specified. This bill contains other related provisions and other existing laws.	05/02/2007-Failed Deadline pursuant to Rule 61(a)(2). Last location was PUB. S. 05/02/2007-A 2 YEAR
<a href="#"><u>AB 1668</u></a> ( <a href="#"><u>Leno</u></a> )	<b>Watch</b>	Would require the Director of Technology Services, in conjunction with the State Chief Information Officer and other specified state entities, to implement a project examining the use of an open file format with no more than 3 state agencies or departments. This bill would also require the Department of General Services, in consultation with the State Chief Information Officer, to consider specific modifications to the standards used for the state to acquire information technology and to report its findings to the Legislature no later than October 1, 2008.	05/02/2007-Re-referred to Com. on APPR. 05/02/2007-A APPR.
<a href="#"><u>AB 1702</u></a> ( <a href="#"><u>Blakeslee</u></a> )		Would authorize the Department of Transportation to conduct competitive examinations on a position-specific basis for specified managerial classifications as agreed to by the State Personnel Board, as specified. The bill would also make legislative findings and declarations with regard to a related demonstration project.	05/03/2007-Re-referred to Com. on APPR. 05/03/2007-A APPR.
<a href="#"><u>ACA 1</u></a> ( <a href="#"><u>Price</u></a> )	<b>Watch</b>	Would assign the responsibility for adjusting boundary lines of Senate, Assembly, congressional, and State Board of Equalization districts to a commission that consists of the 9 public members of the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, subject to specified conditions. It would require the Legislature to establish, by statute, procedures to ensure compliance with specified requirements for membership on the commission. This bill contains other related provisions.	05/02/2007-Failed Deadline pursuant to Rule 61(a)(2). Last location was E. & R. 05/02/2007-A 2 YEAR
<a href="#"><u>SB 26</u></a> ( <a href="#"><u>Simitian</u></a> )	<b>Neutral</b>	This bill would require that demographic data collection by race be structured in a manner that allows the surveyed individual to select more than one race. A single category labeled "multi-racial" would be prohibited.	05/02/2007-Set for hearing May 14. 04/18/2007-S APPR. 05/14/07 10 a.m. - John L. Burton Hearing Room (4203) SEN APPROPRIATIONS
<a href="#"><u>SB 519</u></a> (Committee on Governmental Organization)		Would authorize the calling of a special meeting to provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.	04/09/2007-Set for hearing May 8. 02/28/2007-S G.O. 05/08/07 9:30 a.m. - Room 3191 SEN GOVERNMENTAL ORGANIZATION

<a href="#"><u>SB 721</u></a> ( <a href="#"><u>Ashburn</u></a> )	<b>Watch</b>	By January 1, 2010, this bill would require every state agency to establish and implement a succession plan, as defined. By January 1, 2012, the bill would require every state agency to report to the Legislature on the success or failure of the implemented succession plan, as specified.	04/23/2007-Placed on APPR. suspense file. 04/23/2007-S APPR. SUSPENSE FILE
<a href="#"><u>SB 870</u></a> ( <a href="#"><u>Ridley-Thomas</u></a> )		Would require an adverse action against an excluded employee, as defined, to commence within one year of the cause for discipline.	04/26/2007-Hearing postponed by committee. Set for hearing May 7. (Refers to 4/26/2007 hearing) 04/17/2007-S APPR. <i>05/07/07 10 a.m. to 12 m. and reconvene upon adjournment of session - Room 4203 SEN APPROPRIATIONS</i>
<a href="#"><u>SB 971</u></a> ( <a href="#"><u>McClintock</u></a> )	<b>Watch</b>	Would enact the Bureaucracy Realignment and Closure Act of 2008. It would establish the Bureaucracy Realignment and Closure Commission in state government with a specified membership. Beginning on January 1, 2008, the Controller, the Director of Finance, the Legislative Analyst, the Legislative Counsel, the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy, and the State Auditor would be required to develop recommendations for the closure or realignment of state bureaucracies for consideration by the commission. It would require the commission to independently evaluate the recommendations, conduct 3 public hearings, and, by January 1, 2009, have at least one member of the commission visit each state bureaucracy considered for realignment or closure. This bill contains other related provisions and other existing laws.	05/02/2007-Failed Deadline pursuant to Rule 61(a)(2). Last location was G.O. 05/02/2007-S 2 YEAR
<a href="#"><u>SB 1019</u></a> ( <a href="#"><u>Romero</u></a> )	<b>Support if amended</b>	Would state the intent of the Legislature to abrogate the California Supreme Court decision in Copley Press, Inc. v. Superior Court and to restore public access to peace officer records and meetings that were open prior to the Copley Press decision. This bill contains other related provisions and other existing laws.	04/26/2007-Hearing postponed by committee. Set for hearing May 7. (Refers to 4/25/2007 hearing) 04/18/2007-S APPR.

**STATE PERSONNEL BOARD**

**NON-HEARING CALENDAR**

**RE: BOARD DATE MAY 18, 2007**



(Cal. 05/18/07)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Non-Hearing Calendar Items for Board Action

Page**TAX COUNSEL**

The Franchise Tax Board and the Board of Equalization in conjunction with the Department of Personnel Administration proposes the following revisions to the Tax Counsel Series specification: revising the minimum qualifications for the Tax Counsel III and Tax Counsel IV levels; updating the Knowledge, Skills and Abilities sections; and revising Alternate Range Criteria # 315.

201

**CASE RECORDS TECHNICIAN****SUPERVISING CASE RECORDS TECHNICIAN**

The California Department of Corrections and Rehabilitation (CDCR) in conjunction with the Department of Personnel Administration proposes to establish the new classification of Case Records Technician and Supervising Case Records Technician; establishment of a twelve month probationary period; adoption of Alternative Range Criteria 454; reallocation of incumbents from existing classes to the deep class of Case Records Technician and Supervising Case Records Technician.

225

**SENIOR REAL ESTATE OFFICER**

The Department of General Services (DGS) and the Department of Personnel Administration (DPA) propose the following changes to the Senior Real Estate Officer class series: establishment of the class of Senior Real Estate Officer (Specialist) with a 12-month probationary period; re-title the class of Senior Real Estate Officer to Senior Real Estate Officer (Supervisory); and revise the series specification to update and more accurately reflect the current work requirements of the class series.

240

May 18, 2007

TO: STATE PERSONNEL BOARD

FROM: Cathi Page, Personnel Program Analyst  
Classification and Compensation Division

REVIEWED BY: Debra Thompsen, Personnel Program Manager I  
Classification and Compensation Division

SUBJECT: Proposed revision to the Tax Counsel Series specification and related  
Alternate Range Criteria #315.

SUMMARY OF ISSUES:

The Franchise Tax Board and Board of Equalization propose a revision to the Tax Counsel Series specification to accomplish the following:

- Revise minimum qualifications for the Tax Counsel III and Tax Counsel IV levels; creating one pattern that gives equal recognition to both inside and outside qualifying experience.
- Update the knowledge, skill, and ability sections based on the task-based job analysis completed by the Test Validation and Consultant Unit of the State Personnel Board.
- Revise the definition of “practice of law” or “performing legal duties” in accordance with Article 15.5 of the Unit 2 bargaining agreement. The expanded definition will now include experience as a judicial clerk.
- Revise Alternate Range Criteria #315 for consistent wording on qualifying experience for movement through the ranges as well as revision to the definitions of qualifying experience.

CONSULTED WITH:

Kathy Reese, Franchise Tax Board  
Raquel Silva, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment  
Jennifer Roche, State Personnel Board  
Karen Coffee, State Personnel Board  
Lisa Fien, Board of Equalization  
Cathy Spencer, Board of Equalization

In accordance with the terms of the DPA/CASE contract, DPA has notified the union in writing of this proposal.

State Personnel Board  
May 22, 2007  
Page 2

CLASSIFICATION CONSIDERATIONS:

Refer to the attached proposal.

RECOMMENDATIONS:

1. That the proposed revised specification for the classes of Tax Counsel, Tax Counsel III (Specialist), Tax Counsel III (Supervisor), and Tax Counsel IV appearing in the Tax Counsel Series specification as shown in this calendar be adopted.
2. That the proposed revision to the Alternate Range Criteria #315 as shown in this calendar be adopted.

## CLASSIFICATION CONSIDERATIONS

**Instructions:** Complete after if Concept (Part A) is approved by DPA. Answer all applicable questions, providing enough information to support your proposal. Return this with a signed transmittal form to your DPA and SPB Analysts.

### Background

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

#### Historical Perspective

The Tax Counsel series is used by both FTB and BOE.

#### Franchise Tax Board

The primary function of the Franchise Tax Board (FTB) is to collect the correct amount of tax due in the most cost effective and appropriate manner. In addition, FTB administers other programs entrusted to it and continuously monitors the quality of its products and services. FTB performs in a manner warranting the highest degree of confidence in its integrity, efficiency, fairness, and service.

FTB is responsible for administering two of California's major tax programs, Personal Income Tax (PIT) and Bank and Corporation (B&C), as well as the Homeowners' and Renters' Assistance program. In addition, FTB administers several non-tax programs to collect delinquencies owed to state and local government. These programs include Interagency Intercept Collections (Controller's Offset program), Vehicle Registration Collections for the Department of Motor Vehicles and Child Support Collections for local county child support agencies, Court-Ordered Debt Collections for municipal and superior courts, and Industrial Health and Safety Collections for the Department of Industrial Relations. FTB also performs audits, as specified, under a provision of the Political Reform Act.

Headquartered in Sacramento County, FTB employs more than 5,300 people and has 14 district offices throughout California, as well as in Chicago, Houston, and Manhattan. FTB is responsible for processing over 16 million PIT and B&C returns annually. In addition, the department annually takes collection actions on over three million past-due tax and non-tax accounts and over \$4 billion in receivables. Moreover, FTB assembles and analyzes approximately 200 million income records and processes thousands of payment documents each year.

The Legal Department performs a wide variety of legal functions and services for the Franchise Tax Board. The legal staff represents the department in tax matters in protest, appeals, out of state bankruptcy and settlement cases. They assist the Attorney General in court with respect to refund litigation cases and, in conjunction with the Accounts Receivable Management Division, with in-state bankruptcy matters. Legal staff also: 1) represents the department in personnel matters before the State Personnel Board, Board of Control cases and other administrative proceedings; 2) provides advice and counsel to the department with respect to the department's legislative program, forms

review, contract and general counsel matters, as well as the department's non-tax programs; and 3) issues legal rulings and public notices, and is responsible for the department's regulation program.

### Board of Equalization

The Board of Equalization was constitutionally created in 1879 and its members are the nation's only elected tax commission. It is a medium to large agency with 3,965 employees and 17 offices throughout California, inclusive of Board Member offices, with out-of-state offices in New York, Chicago, and Houston. The BOE administers over 26 tax and fee programs in the areas of sales and use taxes, property taxes, and special taxes. In 2004-05, taxes and fees administered by BOE yielded \$49.95 billion for education, public safety, health care, transportation, social services, housing and natural resource management for the people of California. Board-administered programs provided more than 37% of the State's tax revenue.

The Board's primary responsibilities include acting as an appellate body for final actions appealed from the Franchise Tax Board (including matters under the Bank and Corporation Franchise Tax, the Personal Income Tax, and the Homeowner and Renter Property Tax Assistance Laws), as the appellate body for sales and use tax determinations, as the appellate body for other business tax determinations (such as excise tax, fuel tax and fee, environmental fee, and insurance tax matters), as the appellate body for timber tax, private railroad car, and welfare exemption denial appeals, and as the appellate body for local government appeals of assessments of properties located outside of the agency's boundaries. In addition, the Board is constitutionally mandated to annually assess railroads and privately-held public utilities, including gas, electric, and telephone companies, and to oversee the property tax assessment practices of the 58 county assessors in the State, including the adoption of property tax regulations, to ensure statewide equality and uniformity in county property tax assessment practices. Finally, the Board oversees revenue collection and program operations for alcohol, tobacco, fuel, excise, and environmental tax and fee programs administered in cooperation with other state agencies.

The Legal Department performs a wide variety of legal functions and services for the Board of Equalization through its Tax and Fee Programs Division, Legal Affairs Division, Settlement Division, and Appeals Division in furtherance of the agency's mission to serve the public through fair, effective, and efficient tax and fee administration.

The Tax and Fee Programs Division furnishes legal services to the Board Members, the Sales and Use Tax Department, and the Property and Special Taxes Department with respect to business and property taxes. The division also provides advice to taxpayers and fee payers, their representatives, and the public with respect to the Board's business and property tax programs. The responsibilities of the legal staff in this division include advising the Board on all tax and fee program matters; representing Board departments at Board hearings and Appeals Division conferences; providing advice both to Board staff and taxpayers and their representatives; advising the counties on property tax matters; drafting legislation and regulations; providing information and testimony to the Legislature; conducting interested parties meetings; responding to constituent inquiries; and, making presentations and speeches.

The Legal Affairs Division furnishes legal services regarding Board litigation, bankruptcy and collection issues, personnel matters, and Special Procedures Section advanced collection matters. The responsibilities of the legal staff in this division include advising and representing the agency in all tax and fee litigation and in litigation and administrative proceedings involving employment, labor, and civil rights laws; recommending policies regarding tax and non-tax litigation, and bankruptcy litigation; preparing *amici curiae* briefs; providing advice to Board Members and executive staff regarding agency litigation, including settlement recommendations; representing the agency in bankruptcy and collection matters; implementing uniform procedures and centralized control over bankruptcy cases; protecting the state's interest in revenues at risk, maximizing revenue recovery, facilitating dispute resolution, seeking resolution of non-compliance issues and addressing attempts to impair the Board's financial interests; providing legal advice to Board staff regarding bankruptcy and collection matters; providing legal representation to the Personnel Management Division in employee administrative matters, and giving legal counsel to the Board Members or agency staff on personnel and management issues; and assuring that all Constitutional, statutory, and regulatory requirements for the conduct of the Board's collection program are observed and efficiently managed.

The Settlement Division furnishes legal services with respect to settlements, investigations, contracts, and offers in compromise matters. The responsibilities of the legal staff in this division include the consideration of taxpayers' offers to settle tax and fee disputes; providing advice regarding agency's contracts with public and private entities; overseeing the Investigations Division; and, the consideration of taxpayers' offers in compromise.

The Appeals Division furnishes legal services with respect to the Board's activities under its appeals programs. The division's primary responsibilities are to serve as the Board Member's independent legal counsel for appeals coming before the Board. The responsibilities of the legal staff in this division include holding Appeals Conferences; preparing Board Hearing Summaries issuing Decisions and Recommendations; drafting Formal Opinions and/or Memorandum Opinions for board adoption; advising the Board Members regarding all aspects of appeals filed from final actions of the California Franchise Tax Board; and, providing support to the Tax Appeals Assistance (pro bono) Program. Additionally, the division's Legal Administration Team advises the Board Members on administrative legal matters relevant to service as an elected Member.

#### Classification Background

In 1991, the Tax Counsel series (Tax Counsel deep class and Senior Tax Counsel [Specialist] and [Supervisor]) was established for use at the Franchise Tax Board. In 1994, the Senior Tax Counsel classes were retitled to Tax Counsel III (Specialist) and (Supervisor), and the Tax Counsel IV level was established. Minor revisions were also made, including a change in the minimum qualifications language for the Tax Counsel III level from "more than five years of legal experience" to "six years of legal experience." In 1996, minor revisions were made to the specification, deleting "Franchise Tax Board" from the class titles, in order to allow the Board of Equalization to use the class series. No changes were made to the minimum qualifications.

Proposed Action

As stated in the minimum qualifications for the Tax Counsel III level and Tax Counsel IV, less weight is given to legal experience obtained outside of State service compared to experience obtained inside State service. For example, pattern I for Tax Counsel III requires two years experience in State service equivalent to Tax Counsel, Range D, while pattern II requires six years of experience obtained in private practice. As a result, attorneys whose experience is entirely with the state civil service, regardless of the area of practice, are eligible to promote to Tax Counsel III with only five years of experience, while some attorneys who enter state service after working in private practice must wait six years before becoming eligible to promote.

In 2002, an attorney filed a lawsuit against the State Personnel Board and the Franchise Tax Board challenging the Tax Counsel series' minimum qualifications and alternate range criteria, under which attorneys with experience in the state civil service are treated more favorably in hiring and advancement within the civil service than attorneys with outside experience, regardless of the type of legal experience. In an unpublished decision, the court ruled that this "two-tiered" system was unreasonable and arbitrary, and ordered the state to apply the Pattern I minimum qualifications to the plaintiff and to allow the plaintiff to sit for a promotional exam to the class of Tax Counsel III.

In 2005, another attorney filed a lawsuit raising similar claims. The state has settled that action. Absent a change to the minimum qualifications for the Tax Counsel series, the department(s) utilizing the classification could face other potential court actions with the associated costs of litigation, potential damages and attorney fees.

In October 2006, a task based job analysis of the Tax Counsel classification series was conducted by the Test Validation and Consultant Unit at the State Personnel Board to identify the appropriate minimum qualifications to be expected upon entry into each level within the class series and to fully identify the tasks and knowledge, skills, abilities and personnel characteristics (KSAPC) performed /required for the Tax Counsel Classifications. As part of this validation process, in regard to developing the proposed revisions to the minimum qualifications for the Tax Counsel series, the extent to which having state service experience facilitated in the development of essential and needed at entry knowledge, skills and abilities (KSA) was evaluated. This information was used to help determine if state service leads to superior performance when compared to individuals with experience in the private sector, and if progression in the Tax Counsel series should take this difference into account. The results of the job analysis indicates that experience gained in either state service or private practice, as it related to the KSAs that are not specific to a State agency, equally facilitates the development of critical and expected at entry KSAs. As such, these findings do not support using this distinction when establishing progression or eligibility for each level of the Tax Counsel series.

Accordingly, the Franchise Tax Board and Board of Equalization propose that the minimum qualifications for the Tax Counsel III and IV levels, and the Alternate Range Criteria 315 for Tax Counsel be revised to provide only one pattern, for each class level, that gives equal recognition to both inside and outside qualifying experience. The proposed revisions to the Tax Counsel series are based upon the results of the task-based job analysis and are consistent with the court decision.

In addition, based on language in the Unit 2 bargaining agreement (Article 15.5) the language defining the “practice of law” and “performing legal duties” will be revised to include experience as a judicial clerk.

## Classification Considerations

2. What classification(s) does the subject class(es) report to?

Tax Counsels and Tax Counsel III (Specialists) typically report to a Tax Counsel III (Supervisor) or an Assistant Chief Counsel. Tax Counsels III (Supervisor) and Tax Counsels IV typically report to an Assistant Chief Counsel.

3. Will the subject class(es) supervise? If so, what class(es)?

Tax Counsels III (Supervisor) supervise Tax Counsels III (Specialist), Tax Counsels, and paralegal staff.

4. What are the specific duties of the subject class(es)?

There are no proposed changes to the Definition of Series (typical tasks). The duties performed by the attorneys in the series include participation as a hearing officer on taxpayer protest cases and administrative appeal cases, which includes applying and interpreting relevant legal authorities to the cases; preparing and arguing income and franchise tax cases in administrative appeal hearings before the State Board of Equalization; reviewing, negotiating and settling administrative tax disputes involving various tax issues and/or millions of dollars in potential revenue; providing advice and counsel to departmental staff regarding bankruptcy and collection issues, and employee discipline and other personnel matters; and analyzing proposed legislation and reviewing departmental bill analyses.

Incumbents in this series generally perform similar duties. Assignment of specific duties depends upon the level of difficulty, complexity and sensitivity of the particular assignment. For example, preparing arguments and responsive pleadings involving very technical and difficult tax issues at the judicial and administrative levels are assigned to Tax Counsels III.

5. What is the decision-making responsibility of the subject class(es)?

As described in question #4 above, incumbents in the series generally perform similar duties with assignments based on the level of difficulty, complexity, and sensitivity of the particular assignment. The decision-making responsibility will also vary based on the level of the incumbent performing the particular assignment.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

Successful administration of tax laws impacts the revenues collected through the tax system and taxpayer burden. If the attorneys lost administrative tax cases, some of which can individually involve over \$100 million, not only would there be a loss in revenue, but also serious impairment of the ability to implement major portions of



existing tax laws. Further, major concessions in settlement of tax law issues would undermine the departments' litigating posture and impair enforcement of the State's position against other taxpayers who would demand comparable concessions.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Attorneys appointed to the Tax Counsel series are educated in California law and its application. As they move through the series, they learn the specifics of application of laws that are the responsibility of FTB and/or BOE. The ability to analyze a particular situation and apply the appropriate law is critical at all levels of the series.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Incumbents in the Tax Counsel series have contact with high level State and national public officials, high level private industry representatives, top tax attorneys, the country's top tax litigators, the FTB and BOE Board members and executive staff, State legislators and staff, California Constitutional Revision Commission, elected local officials, Governor's staff, Legislative advocates, Multistate Tax Commission, and Federal Tax Administrators.

### **Need for New Class (if necessary)**

9. For new classes only: what existing classes were considered and why were they not appropriate?

Not applicable to this proposal.

### **Minimum Qualifications**

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

To aid in determining the appropriate revisions of the minimum qualifications for each level within the Tax Counsel Series, a task-based job analysis was conducted that included the participation of all incumbents within the class series at the time. The validation process included a review of the appropriate minimum qualifications to be expected upon entry into each level within the class series and to fully identify the tasks, knowledge, skills, abilities, and personal characteristics performed/required for the Tax Counsel classifications. While there are no proposed changes to the minimum qualifications for the entry-level Tax Counsel classification, the Alternate Range Criteria and Knowledge, Skills, and Abilities have been modified based on the data collected from the job analysis. The minimum qualifications for the Tax Counsel III (Specialist), Tax Counsel III (Supervisor) and Tax Counsel IV have been revised based on the data collected from the job analysis and are outlined below.

In addition, based on language in the Unit 2 bargaining agreement (Article 15.5) the language defining the "practice of law" and "performing legal duties" will be revised to include experience as a judicial clerk.

Tax Counsel

The current requirement that candidates applying promotionally for this level must be in the classification of Graduate Legal Assistant is removed. This will enable both user Department's to gain a larger applicant pool from internal candidates who may not be in the Graduate Legal Assistant classification but have completed the required education and obtained active membership in the State Bar of California. In addition, the Alternate Range Criteria #315 is being revised to provide only one pattern for each level in order to give equal recognition to both inside and outside qualifying experience. Below is a chart which reflects years of equivalency for the current and proposed alternate range criteria for the Tax Counsel classification.

Range	Current Criteria	Proposed Criteria
A	Does not meet criteria of Ranges B, C, or D	Does not meet criteria of Ranges B, C, or D
B	1 year at Range A, or 1 year of outside experience	1 year of inside or outside experience
C	1 year at Range B, or 3 years of outside experience	2 years of inside or outside experience
D	2 years at Range C, or 5 years of outside experience	4 years of inside or outside experience

Currently, for candidates appointed to Range A of the Tax Counsel classification, the total number of years required to reach Range D would be four years using an inside pattern or five years using an outside pattern. With the proposed revisions to the Alternate Range Criteria, candidates appointed to Range A will take four years to reach Range D.

Tax Counsel III (Specialist), Tax Counsel III (Supervisor) and Tax Counsel IV –

Currently, less weight is given to experience obtained outside of State service compared to inside State service experience. For example, pattern I for Tax Counsel III requires two years experience in State service equivalent to Tax Counsel, Range D, while pattern II requires six years of experience obtained in private practice. The proposed revision to the minimum qualifications for these classes will provide only one pattern, for each level, that gives equal recognition to both inside and outside qualifying experience.

The proposed revisions are based upon the task-based job analysis which posed the question of how many years of professional legal experience was needed to successfully and independently perform the job tasks. The subject matter experts consulted for this job analysis arrived at a total of 5.2 years; which is not a significant difference from the current requirement for outside experience of six years. The six year requirement is also consistent with other civil services classifications such as Deputy Legislative Counsel III and Deputy Attorney General III.

For the Tax Counsel IV, it is proposed that four of the ten years of practicing law be at the Tax Counsel III level because California State Civil Service tax experience equivalent to the Tax Counsel III level is a prerequisite to any individual being able to successfully carry out the duties of a Tax Counsel IV, which has always been considered a promotional position. Attorneys at the Tax Counsel IV level are assigned the most

complex legal matters and/or litigation of the greatest difficulty. The four years of civil service experience prepares them to handle these types of duties.

The proposed revisions to have one minimum qualification pattern for both outside and inside experience for the Tax Counsel series are consistent with those of the Deputy Attorney General and Deputy Legislative Counsel series.

The proposed minimum qualifications are as follows:

#### ALL LEVELS:

All classes require active membership in The State Bar of California. (Applicants who are not members of The California State Bar but who are eligible to take The California State Bar examination will be admitted to the examination but will not be considered eligible for appointment until they are admitted to The State Bar of California.)

#### TAX COUNSEL III (SPECIALIST) TAX COUNSEL III (SUPERVISOR)

Six years of legal experience in the practice of law\* in a governmental jurisdiction or in the private practice of law, including three years of legal experience in the practice of tax law or directly related legal experience, including administrative and/or civil litigation. (Applicants who have completed five years and six months of legal experience and two years and six months of tax law or directly related legal experience, including administrative and/or civil litigation, will be admitted into the examination, but must complete the required six years of legal experience including the three years of tax law or directly related legal experience, including administrative and/or civil litigation, before they will be eligible for appointment.)

#### TAX COUNSEL IV

Ten years of legal experience in the practice of law\* in a governmental jurisdiction or in private practice, including four years of legal experience in the practice of tax law or directly related legal experience, including administrative and/or civil litigation, at a level of responsibility equivalent to Tax Counsel III. (Applicants who have completed nine years and six months of legal experience, including three years and six months of tax law or directly related legal experience, including administrative and/or civil litigation, at a level of responsibility equivalent to Tax Counsel III, will be admitted into the examination, but must complete the required ten years of legal experience, including the four years of tax law or directly related legal experience including administrative and/or civil litigation, at a level of responsibility equivalent to Tax Counsel III, before they will be eligible for appointment).

## KNOWLEDGE, SKILLS, AND ABILITIES

## ALL LEVELS:

Knowledge of: How to conduct legal analysis (e.g., issue-spotting, rule analysis, applying law to facts) to ensure relevant issues and information are identified; principles and practices for properly conducting legal research, such as ensuring law is current (i.e., “Shepardizing”) and checking for recent amendments to statutes; general principles of jurisprudence including statutory construction and stare decisis; English language including: grammar, spelling, punctuation, sentence and paragraph structure, organization, and appropriate vocabulary; how to prepare the most common types of legal documents in an effective, clear, and persuasive manner (e.g., briefs, motions, pleadings, contracts, stipulations, declarations, determination letters, etc.); how to communicate in a persuasive fashion to influence the listener(s); available research sources, both printed and electronic, to complete legal research, including what types of material they contain, where they are located, and their breadth, depth, and relative strengths and weaknesses. Examples include primary legal texts, secondary legal texts, and electronic databases; how to prepare the most common types of legal documents in an effective, clear, and thorough and/or informative manner (e.g., contracts, stipulations, declarations, determination letters, etc.); how to prepare clear and effective formal correspondence to a variety of recipients; how to use computers to create documents, conduct research, and communicate; and how to use a variety of software applications.

Skill in: Reading and comprehending written documents such as contracts, statutes, regulations, legal rulings, case law, etc; analyzing arguments in order to effectively address them; summarizing relevant facts in order to capture the key points and implications; determining relevant legal issues to be addressed; editing written documents for accuracy and effectiveness; identifying issues relevant to a question/matter given the available information and applicable law, in order to prioritize the critical elements to be addressed; ranking pending matters in order of importance to work effectively and meet deadlines without sacrificing the quality of work products; planning work within given time constraints, continually monitoring progress, and adjusting current work focus to meet deadlines; properly identifying the nature of problems, generating alternatives, and implementing solutions and approaches that successfully address the problems; efficiently locating relevant or useful information from a large volume of documents; behaving towards others with respect, courtesy, and tact to enhance communication and helping ensure a positive reputation for the department; communicating legal principles, facts, and position(s) in a logical, respectful, and articulate manner to various audiences and forums using tone, vocabulary, format, and grammar appropriate to the circumstances; working cooperatively and productively as a member of a team to achieve a common goal; and presenting oneself in an appropriately professional manner in all circumstances.

Ability to: Analyze information and detect potential logical, legal, and/or factual flaws in arguments or assumptions; reason logically in order to research, investigate, and plan the development of a project or case; attend to details in order to perform work in an accurate and thorough manner; conceptualize large, long-term projects as a series of distinct tasks to prioritize them; recognize the merits in the opinions of internal and external stakeholders to reach a compromise; organize thoughts before communicating to ensure concise and logical expression; identify situations in which available information, resources, or capabilities are insufficient to complete work tasks in order to seek assistance when needed; work quickly in order to complete urgent projects assigned without prior notice; successfully complete multiple projects simultaneously (i.e., multi-task) within appropriate timeframes while maintaining a high level of work performance; and accept constructive criticism regarding work products and practices to continually improve work performance.

A greater degree of knowledge and abilities is required at each higher level.

### TAX COUNSEL III (SPECIALIST)

Knowledge of: In addition to the above, Department's policies regarding confidential taxpayer information; general principles of jurisprudence including statutory construction and stare decisis; legal principles and interpretive case law underlying the Internal Revenue Code, the California Revenue and Taxation Code, other applicable codes, and their supporting regulations; Federal and State Constitutions, Internal Revenue Code, the California Revenue and Taxation Code, other applicable codes, case law and their supporting regulations as they relate to the specific job assignment; and, the Department's sexual harassment policy;

Skill in: In addition to the above, Organizing and making effective formal and informal presentations for various purposes and audiences (e.g., administrative hearings, Board Meetings, internal briefings, meetings, settlement negotiations, etc.); weighing the relative advantages and disadvantages of potential actions and determining the appropriate steps to take; understanding and explaining computations and schedules (e.g., penalty, interest, tax, etc.); and providing guidance, direction, and training to colleagues to ensure quality work products.

### TAX COUNSEL III (SUPERVISOR)

Knowledge of: In addition to the above, knowledge-of a manager's/supervisor's role in promoting Equal Employment Opportunity in hiring, employee development, and promotion; and the principles and techniques of personnel management and supervision.

Ability to: In addition to the above, effectively supervise the work of subordinate personnel; and effectively contribute to the Department's equal employment goals; planning, organizing and directing the work of others.

#### TAX COUNSEL IV

Knowledge of: In addition to the above, the Board's organization and procedures to effectively complete assignments.

Ability to: In addition to the above, apply legal principles and statutes across program areas; and provide constructive criticism to improve work performance.

#### ALTERNATE RANGE CRITERIA 315

When an employee enters State service in the class of Tax Counsel, he/she shall be eligible for appointment to the appropriate range in terms of the following criteria:

Experience gained outside State service may be credited only if the appointing power believes the experience was satisfactory and comparable in type and quality to that of Tax Counsel.

Range A. This range shall apply to individuals who are active members of the State Bar of California and who do not meet the criteria for payment in Range B, C, or D.

Range B. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed one year of legal experience in the practice of law in a governmental jurisdiction or in the private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

Range C. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed two years of legal experience in the practice of law in a governmental jurisdiction or private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

Range D. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed four years of legal experience in the practice of law in a governmental jurisdiction or private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

When the requirements for particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.676.

\* Experience in the “practice of law” or “performing legal duties” is defined as (1) only that legal experience acquired after admission to any State Bar, or (2) experience as a judicial clerk for a Federal court, California state court, or another state’s appellate court of last resort. For an individual’s judicial clerkship to qualify as experience in the “practice of law” or “performing legal duties”, the experience must have been gained after receipt of a juris doctor or equivalent degree.

### Probationary Period

☐ The probationary period is six months

11. If a probationary period other than six months is proposed, what is the rationale?

Not applicable to this proposal.

### Status Considerations

12. What is the impact on current incumbents?

Some current staff may be eligible to take promotional examinations earlier than planned, due to qualifications of their experience under the proposed revisions to the minimum qualifications.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Not applicable to this proposal.

### Consulted With

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

John Davies, Chief Counsel, Franchise Tax Board  
 Lisa Fein, Personnel Officer, Board of Equalization  
 Cathi Page, Department of Personnel Administration  
 Karen Coffee and Jennifer Roche, State Personnel Board  
 Marianne Meek, Employee Relations Officer, Franchise Tax Board  
 Jacqueline Sanders, Labor Relations Officer, Department of Personnel Administration  
 Raquel Silva, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE)

**CALIFORNIA STATE PERSONNEL BOARD****SPECIFICATION**

TAX COUNSEL  
Series Specification  
(Established January 22, 1991)

SCOPE

This series specification describes four classifications used by the Franchise Tax Board (FTB) and the Board of Equalization (BOE) to provide specialized legal services concerned with the administration of California tax law.

This series is available for use only by the FTB and the BOE.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
OA75	6728	Tax Counsel
OA76	6733	Tax Counsel III (Specialist)
OA77	6734	Tax Counsel III (Supervisor)
OA78	6722	Tax Counsel IV

DEFINITION OF SERIES

Incumbents in these classes study, interpret, and apply laws, regulations, court decisions, and other legal authorities as required.

Typical tasks performed by Tax Counsels engaged in administering those provisions of the Revenue and Taxation Code for which the FTB and BOE have responsibility include, but are not limited to: applying and interpreting complex law involving individuals or sophisticated and unique business organizations and other governmental entities; conducting research and drafting legal opinions, position papers, rulings, briefs, orders, and pleadings; participating as departmental attorney or as hearing officer in connection with administrative proceedings involving proposed tax assessments or claims for refund; advising the FTB, BOE, departmental staff, local government entities, and the public with respect to the application of complex tax laws; appearing before the BOE in support of departmental positions, acting as departmental counsel with respect to personnel matters, and appearing in that capacity before both administrative law judges, boards, commissions, and the judiciary; assisting in court proceedings and pretrial discovery matters; supporting the attorney general in litigation against the Department and coordinating departmental efforts in that regard; drafting of legislation, regulations, and interpretive opinions; assisting in bankruptcy proceedings; advising departmental personnel with respect to the legal ramifications of proposed actions; working with advisory committees, citizens' groups, legislative, and professional associations on studies of ways to



improve the laws administered by the FTB and BOE; speaking before tax forums, conferences, professional groups, and negotiating with outside counsel on the legal aspects of major tax disputes; and advising the respective Boards, departmental staff, and the public with respect to confidentiality of tax return information.

#### ENTRY LEVEL

Entry into this series requires membership in The California State Bar. The class of Graduate Legal Assistant, which requires eligibility to take the California State Bar examination, may also be used to recruit those interested in entry into this series.

#### DEFINITION OF LEVELS

##### ALL LEVELS:

Classes in this series generally perform similar duties. Differences between classes are determined primarily by (1) the level of difficulty, complexity, and sensitivity of the assignments given to the incumbent, (2) the degree of independence with which the incumbent performs an assignment, (3) the experience and expertise which the incumbent brings to those assignments, and (4) the value of the services rendered by the incumbent to the Department and to State service.

##### TAX COUNSEL

This is a recruitment and developmental class for persons qualified to practice law in the State of California. Incumbents assigned to Range A perform the least difficult professional legal work in the FTB or BOE. Based upon the appropriate alternate range criteria, incumbents advance to Range B, C, and D, and are assigned progressively more difficult professional legal work as their competency increases. Incumbents assigned to Range D are assigned the more complex and sensitive legal work in this class.

##### TAX COUNSEL III (SPECIALIST)

Incumbents in this class are well-experienced advanced or full journey level attorneys who have the experience and have developed the expertise necessary to capably perform the most complex and sensitive legal work of the FTB or BOE on an independent basis. A Tax Counsel III (Specialist) is usually assigned only the most important legal work such as (1) analyzing and advising on very complex tax questions

arising under the laws administered by the FTB or BOE; (2) preparing arguments and responsive pleadings involving the most difficult tax issues at the judicial and administrative levels; and (3) drafting and analyzing complex legislation, opinions, rules, and regulations.

A Tax Counsel III (Specialist) may act in a lead capacity over the work of other attorneys.

#### TAX COUNSEL III (SUPERVISOR)

This is the first supervisory level. Incumbents plan, organize, and direct the work of a small staff of FTB or BOE attorneys and, in addition, develop strategy in complex State tax disputes or litigation. They may also personally participate in the most difficult and complex litigation matters, negotiation, hearings, legal research, and opinion drafting.

#### TAX COUNSEL IV

Incumbents in this class are the most experienced attorneys who are experts in a broad or specialized area of law. They have demonstrated their ability to independently perform assignments consisting of the most complex and sensitive legal work of the department and consistently produce favorable results on these matters. Incumbents in this class are typically assigned the most complex legal matters and/or litigation of the greatest difficulty which include, but are not limited to, handling cases that are very likely to be appealed to the highest courts.

A Tax Counsel IV may act in a lead capacity over the work of other attorneys.

#### MINIMUM QUALIFICATIONS

##### ALL LEVELS:

~~Experience applicable to one of the following patterns may be combined on a proportional basis with experience applicable to the other to meet the total experience requirement.~~

~~In addition, All candidates must have~~ classes require active membership in The State Bar of California. ~~(Applicants must have active membership before they will be eligible for appointment.~~ Applicants who are not members of The California State Bar but who are eligible to take The California State Bar examination will be admitted to the examination but will not be considered eligible for appointment until they are admitted to The State Bar of California.)

~~TAX COUNSEL~~

~~Candidates applying promotionally for Tax Counsel must be in the class of Graduate Legal Assistant.~~

TAX COUNSEL III (SPECIALIST)

TAX COUNSEL III (SUPERVISOR)

~~Either I~~

~~Two years of experience in California state service performing legal duties\* at a level of responsibility equivalent to that obtained in the class of Tax Counsel, Range D. (Applicants who have completed 18 months of the required experience will be admitted to the examination but must complete two years of such experience before they will be eligible for appointment.)~~

~~Or II~~

~~Broad and extensive (Six years) of legal experience in the practice of law\* in a governmental jurisdiction or in the private practice, of law\* including three years of legal experience in the practice of tax law or directly related legal experience, including administrative and/or civil litigation. Experience in California state service applied toward Pattern II must include two years of experience performing legal duties at a level of responsibility equivalent to that obtained in the class of Tax Counsel, Range D. (Applicants will be admitted to the examination upon completion of who have completed five years and one-half years six months of legal experience and two years and six months of tax law or directly related legal experience, including administrative and/or civil litigation, will be admitted into the examination, but must complete the required six years of such legal experience including the three years of tax law or directly related legal experience, including administrative and/or civil litigation, before they will be eligible for appointment.)~~

TAX COUNSEL IV

~~Either I~~

~~Four years of experience in California state service performing legal duties\* at a level of responsibility equivalent to that obtained in the class of Tax Counsel III. (Applicants who have completed three~~

---

\* Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to any State Bar, or (2) experience as a judicial clerk for a Federal Court, California State Court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

~~years and six months of the required experience will be admitted to the examination, but must complete four years of such experience before they will be eligible for appointment.)~~

~~Or II~~

Ten years of legal experience in the practice of law\*, ~~consisting in a governmental jurisdiction or in private practice, including four years of legal experience in the practice of tax law or directly related legal experience, including administrative and/or civil litigation.,~~ ~~Experience in California state service applied toward Pattern II must include~~ at a level of responsibility equivalent to a Tax Counsel III. (Applicants who have completed nine years and six months of legal experience, including three years and six months of tax law or directly related legal experience, including administrative and/or civil litigation, at a level of responsibility equivalent to a Tax Counsel III, will be admitted into the examination, but must complete the required ten years of legal experience, including the four years of tax law or directly related legal experience, ~~performing legal duties~~ administrative and/or civil litigation, at a level of responsibility equivalent to ~~that obtained in the class of a~~ Tax Counsel III, before they will be eligible for appointment.)

### KNOWLEDGE, SKILLS, AND ABILITIES

#### ALL LEVELS:

~~Knowledge of:~~ Legal principles and their application with particular reference to statutes administered by the FTB and BOE; scope and character of California statutory law and provisions of the California Constitution with particular reference to statutes administered by the FTB and BOE; legal research methods; principles of administrative and constitutional law; rules of evidence; conduct of proceedings before administrative bodies and in trial and appellate courts of California and the United States; duties and powers of the FTB and BOE; and general principles of business law.

~~Ability to:~~ Effectively represent the FTB in administrative hearings involving personal income tax issues and bank and corporation tax issues or the BOE in administrative and judicial hearings involving

- 
- Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to any State Bar, or (2) experience as a judicial clerk for a Federal Court, California State Court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

~~issues on property tax, sales and use tax, excise and special tax, income tax determinations, and valuations of privately held public utilities; interpret and apply the Internal Revenue Code and regulations issued thereunder; interpret and apply the Revenue and Taxation Code and regulations thereunder; analyze legal principles and precedents and apply them to complex legal issues relating to the tax law; present statements of fact, law, and argument clearly and logically in written and oral form; analyze and draft proposed legislative measures; perform and direct legal research; handle difficult legal correspondence; draft opinions, pleadings, rulings, regulations, and legislation; direct and coordinate the work of clerical and professional assistants.~~

~~A greater degree of knowledge and abilities is required at each higher level.~~

Knowledge of: How to conduct legal analysis (e.g., issue-spotting, rule analysis, applying law to facts) to ensure relevant issues and information are identified; principles and practices for properly conducting legal research, such as ensuring law is current (i.e., "Shepardizing") and checking for recent amendments to statutes; general principles of jurisprudence including statutory construction and stare decisis; English language including: grammar, spelling, punctuation, sentence and paragraph structure, organization, and appropriate vocabulary; how to prepare the most common types of legal documents in an effective, clear, and persuasive manner (e.g., briefs, motions, pleadings, contracts, stipulations, declarations, determination letters, etc.); how to communicate in a persuasive fashion to influence the listener(s); available research sources, both printed and electronic, to complete legal research, including what types of material they contain, where they are located, and their breadth, depth, and relative strengths and weaknesses. Examples include primary legal texts, secondary legal texts, and electronic databases; how to prepare clear and effective formal correspondence to a variety of recipients; and how to use computers to create documents, conduct research, and communicate; and how to use a variety of software applications.

Skill in: Reading and comprehending written documents such as contracts, statutes, regulations, legal rulings, case law, etc; analyzing arguments in order to effectively address them; summarizing relevant facts in order to capture the key points and implications; determining relevant legal issues to be addressed; editing written documents for accuracy and effectiveness; identifying issues relevant to a question/matter given the available information and applicable law, in order to prioritize the critical elements to be addressed; ranking pending matters in order of importance to work effectively and meet deadlines without sacrificing the quality of work products; planning work within given time constraints, continually monitoring progress, and adjusting current work focus to meet deadlines; properly identifying the nature of problems, generating alternatives, and implementing solutions and approaches that successfully address the problems; efficiently locating relevant or useful information from a large volume of documents; behaving towards others with respect,

courtesy, and tact to enhance communication and helping ensure a positive reputation for the department; communicating legal principles, facts, and position(s) in a logical, respectful, and articulate manner to various audiences and forums using tone, vocabulary, format, and grammar appropriate to the circumstances; using computer hardware and software to effectively communicate with others, access files, and produce written job-related documents; working cooperatively and productively as a member of a team to achieve a common goal; and presenting oneself in an appropriately professional manner in all circumstances.

Ability to: Analyze information and detect potential logical, legal, and/or factual flaws in arguments or assumptions; reason logically in order to research, investigate, and plan the development of a project or case; attend to details in order to perform work in an accurate and thorough manner; conceptualize large, long-term projects as a series of distinct tasks to prioritize them; recognize the merits in the opinions of internal and external stakeholders to reach a compromise; organize thoughts before communicating to ensure concise and logical expression; identify situations in which available information, resources, or capabilities are insufficient to complete work tasks in order to seek assistance when needed; work quickly in order to complete urgent projects assigned without prior notice; successfully complete multiple projects simultaneously (i.e., multi-task) within appropriate timeframes while maintaining a high level of work performance; and accept constructive criticism regarding work products and practices to continually improve work performance.

A greater degree of knowledge, skill, and abilities is required at each higher level.

### TAX COUNSEL III (SPECIALIST)

Knowledge of: In addition to the above, Department's policies regarding confidential taxpayer information; general principles of jurisprudence including statutory construction and stare decisis; legal principles and interpretive case law underlying the Internal Revenue Code, the California Revenue and Taxation Code, other applicable codes, and their supporting regulations; Federal and State Constitutions, Internal Revenue Code, the California Revenue and Taxation Code, other applicable codes, case law and their supporting regulations as they relate to the specific job assignment; and Department's sexual harassment policy.

Skill in: In addition to the above, organizing and making effective formal and informal presentations for various purposes and audiences (e.g., administrative hearings, Board Meetings, internal briefings, meetings, settlement negotiations, etc.); weighing the relative advantages and disadvantages of potential actions and determining the appropriate steps to take; understanding and explaining computations and schedules (e.g., penalty, interest, tax, etc.); and providing guidance, direction, and training to colleagues to ensure quality work products.

## TAX COUNSEL III (SUPERVISOR)

Knowledge of: In addition to the above, knowledge ~~and abilities~~ ~~required at all levels as stated above, the supervisory class will~~ require knowledge of a manager's/supervisor's role in promoting Equal Employment Opportunity in hiring, employee development, and promotion; ~~principles of supervision and the ability to effectively supervise the work of subordinate personnel; and effectively contribute to the~~ ~~Department's affirmative action goals and the principles and~~ techniques of personnel management and supervision.

Ability to: In addition to the above, effectively supervise the work of subordinate personnel; and effectively contribute to the Department's equal employment goals; and planning, organizing, and directing the work of others.

TAX COUNSEL IV

Knowledge of: In addition to the above, the Board's organization and procedures to effectively complete assignments.

Ability to: In addition of the above, apply legal principles and statutes across program areas and provide constructive criticism to improve work performance.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Tax Counsel	1/22/91	5/21/96	5/21/96
Tax Counsel III (Specialist)	1/22/91	5/21/96	5/21/96
Tax Counsel III (Supervisor)	1/22/91	5/21/96	5/21/96
Tax Counsel IV	2/1/94	5/21/96	5/21/96

## Alternate Range Criteria 315

When an employee enters State service in the class of Tax Counsel, he/she shall be eligible for appointment to the appropriate range in terms of the following criteria:

Experience gained outside State service may be credited only if the appointing power believes the experience was satisfactory and comparable in type and quality to that of Tax Counsel.

Range A. This range shall apply to individuals who are active members of the State Bar of California and who do not meet the criteria for payment in Range B, C, or D.

Range B. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed one year of legal experience in ~~a class with a level of responsibility equivalent to Tax Counsel, Range A, or who have evidence of satisfactory completion of one year of experience in the practice of law\* outside of State service performing duties equivalent to Tax Counsel~~ in a governmental jurisdiction or in the private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside of State service.

Range C. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed ~~one year~~ two years of legal experience in ~~a class with a level of responsibility equivalent to Tax Counsel, Range B, or who have evidence of satisfactory completion of three years of responsible experience in the practice of law\* outside of State service performing duties equivalent to Tax Counsel~~ in a governmental jurisdiction or private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

Range D. This range shall apply to individuals who are active members of the State Bar of California and who, in addition, have satisfactorily completed ~~two~~ four years of legal experience in ~~a class with a level of responsibility equivalent to Tax Counsel, Range C, or who have evidence of satisfactory completion of five years of responsible experience in the practice of law\* outside of State service performing duties equivalent to Tax Counsel~~ in a governmental jurisdiction or private practice of law\*. Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.



When the requirements for particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.676.

- 
- Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to any State Bar, or (2) experience as a judicial clerk for a Federal Court, California State Court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

TO: STATE PERSONNEL BOARD

FROM: Sandi Sale, Personnel Program Analyst  
Department of Personnel Administration

REVIEWED BY: Margie Imai, Personnel Program Manager  
Department of Personnel Administration

Jose Fernandez, Program Manager  
Department of Personnel Administration

Daryll Tsujihara, Chief, Classification and Compensation Division  
Department of Personnel Administration

SUBJECT: Proposed establishment of the new classifications of Case Records Technician and Supervising Case Records Technician; establishment of a 12-month probationary period; adoption of Alternate Range Criteria 454; reallocation of incumbents from existing classes to the deep class of Case Records Technician and Supervising Case Records Technician.

#### SUMMARY OF ISSUES:

The California Department of Corrections and Rehabilitation (CDCR) requests to establish the Case Records Technician series specification including the deep class of Case Records Technician and the Supervising Case Records Technician to accurately reflect the duties and responsibilities currently being performed. CDCR has experienced major recruitment and retention issues with the supervisory clerical and clerical/technical positions in the case records, parole, and headquarters offices. The establishment of the Case Records Technician and Supervising Case Records Technician classifications will provide recruitment opportunities, retention of current staff, maintain knowledgeable staff and improve the efficiency, accuracy and operation of processing and maintaining inmate, youthful offender and parolee records.

#### CONSULTED WITH:

Carol Tamai, Personnel Analyst, CDCR  
Kay Norris, Chief, Personnel Services, CDCR  
Susan Lorenz, Personnel Manager, Department of Mental Health  
Jennifer Roche, State Personnel Board  
Karen Coffee, State Personnel Board  
Jacquelyn Sanders, Department of Personnel Administration

In accordance with the terms of the Department of Personnel Administration (DPA)/Service Employees International Union (SEIU) Local 1000 contract, DPA has notified the union in writing of this proposal.

## CLASSIFICATION CONSIDERATIONS:

(See attached proposal)

## RECOMMENDATIONS:

1. That the deep class of Case Records Technician be established; the proposed specification for the class appearing in the Case Records Technician series specification as shown in this calendar be adopted; and the probationary period be 12 months.
2. That the class of Supervising Case Records Technician be established; the proposed specification for the class appearing in the Case Records Technician series specification as shown in this calendar be adopted; and the probationary period be 12 months.
3. That all appointments to the class of Case Record Technician that require a probationary period and that are effective on or after May 8, 2007, shall require service of a one-year probationary period before an employee may attain permanent status in the class.
4. That the proposed Alternate Range Criteria 454 for the class of Case Records Technician as shown below be adopted.

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B.

Range B. This range shall apply to incumbents who have satisfactorily completed the equivalent of 12 months of experience in the California state service performing duties equivalent to Case Records Technician, Range A.

Range C. This range shall apply to incumbents who have satisfactorily completed the equivalent of 12 months of experience in the California state service performing duties equivalent to Case Records Technician, Range B.

5. That the following resolution be adopted:
  - a. WHEREAS, the State Personnel Board on May 8, 2007, established the classes indicated below in Column II; and the duties and responsibilities of these classes were substantially included in the existing classes indicated below in Column I; and

WHEREAS, the knowledge and abilities required for the classes indicated in Column II were substantially tested for in the examinations for the corresponding classes indicated in Column I: Therefore, be it

RESOLVED, That any person in the Department of Corrections and Rehabilitation Division of Adult Institutions, Division of Adult Parole Operations, Division of Juvenile Facilities, Division of Juvenile Programs, Division of Juvenile Parole Operations, and Adult and Juvenile Facilities with civil service status in one of the classes indicated in Column I on May 8, 2007, performing case records work, shall be reallocated to the appropriate class as indicated in Column II and here by granted the same civil service status in that class without further examination.

<u>Column I</u>	<u>Column II</u>
Office Assistant (General) Range A Range B	Case Records Technician, Range A Case Records Technician, Range B
Office Assistant (Typing) Range A Range B	Case Records Technician, Range A Case Records Technician, Range B
Word Processing Technician, Range A Word Processing Technician, Range B	Case Records Technician, Range B Case Records Technician, Range B
Program Technician Program Technician II	Case Records Technician, Range B Case Records Technician, Range C
Office Technician (General) Office Technician (Typing)	Case Records Technician, Range C Case Records Technician, Range C
Office Services Supervisor I (General) Office Services Supervisor I (Typing) Office Services Supervisor II (General)	Supervising Case Records Technician Supervising Case Records Technician Supervising Case Records Technician

b. WHEREAS Title 2, California Code of Regulations Section 431, states "Unless otherwise provided by resolution of the board, the maximum rate of the lowest salary range currently authorized for a class is used to make salary comparison; and

WHEREAS alternate ranges within the new class of Case Records Technician are being established parallel to the existing classes of Office Assistant, General and Typing, Word Processing Technician, Office Technician, Program Technician and Program Technician II; and

WHEREAS placement in each alternate range of the class of Case Records Technician represents recognition of a higher level of knowledge, skill, ability, experience or eligibility which each appointee can acquire through experience in the class of Case Records Technician or comparable or higher level classes; and

WHEREAS as the result of a permanent appointment to each alternate range, an appointee gains status in the range to which he/she is appointed as though each range is a separate class by qualifying for placement in that range through

transfer, reinstatement, demotion, or satisfying the alternate range criteria:  
Therefore be it

RESOLVED, That salary ranges A, B, and C for the class of Case Records Technician may be used individually as if each represents the salary range of a separate class to make salary comparisons for discretionary actions between the class of Case Records Technician and other classes; and be it further

RESOLVED, That for the class of Case Records Technician the maximum currently authorized for Range C of the class shall be the salary range used to make salary comparisons for mandatory actions.

## CLASSIFICATION CONSIDERATIONS

**Instructions:** Complete after if Concept (Part A) is approved by DPA. Answer all applicable questions, providing enough information to support your proposal. Return this with a signed transmittal form to your DPA and SPB Analysts.

### Background

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

In May 1978, the Correctional Case Records Series Specification was established which included Correctional Case Records Assistant, Correctional Case Records Specialist, Correctional Case Records Supervisor, Correctional Case Records Administrator, and Chief, Correctional Case Records Services classifications. In April 1987, the Correctional Case Records Assistant classification was abolished and the Correctional Case Records Specialist classification was revised to a deep class, Range A and B. The deep class was approved to eliminate unnecessary and repetitive testing based on evidence that promotion from the Correctional Case Records Assistant classification to the Correctional Case Records Specialist classification was virtually automatic and that the same tests of fitness are used.

In June 1998, the Correctional Case Records Specialist classification was abolished and a Correctional Case Records Analyst deep class, Range A, B and C was established to encompass the entry, training and journey level in the series performing increasingly more difficult and complex technical work in the processing, maintaining and control of inmate or parolee records. At the journey level, incumbents calculate inmate and parolee release and discharge dates, applying credits and enhancements, interpret and apply appropriate laws, policies, and procedures, act as a liaison and may serve as a leadperson to Correctional Case Records Analyst trainees.

The case records and parole offices have been utilizing Office Assistant (General), Office Assistant (Typing), Word Processing Technician, Program Technician, Program Technician II, Office Technician (General) and Office Technician (Typing) classifications to perform technical and clerical work in the processing, maintaining and control of inmate, youthful offender and parolee records. The positions are supervised by an Office Services Supervisor I/II or a Correctional Case Records Supervisor, depending on the size of the operation. A majority of the positions are located in headquarters, institutions' and parole case records' offices.

There has been major recruitment and retention difficulties with the clerical classifications in the offices which process, maintain and control inmate, youthful offender and parolee files. The proposed Case Records Technician deep classification will provide an opportunity for employees to enter at the Case Records Technician, Range A level and move to Range B and Range C without an examination.

**Classification Considerations**

2. What classification(s) does the subject class(es) report to?

The proposed Case Records Technician classification will report to the proposed Supervising Case Records Technician classification. The proposed Supervising Case Records Technician classification will typically report to the Correctional Case Records Supervisor. The proposed Supervising Case Record Technician will eliminate the use of the OSS/II, reducing the need for a second line supervisor.

3. Will the subject class(es) supervise? If so, what class(es)?

The proposed Supervising Case Records Technician classification will supervise the new Case Records Technician classification. The proposed Case Records Technician classification will not supervise.

4. What are the specific duties of the subject class(es)?

The proposed Case Records Technician's duties include the following:

Under close supervision as a trainee, incumbents receive training and perform the technical work in processing, maintaining and control of inmate, youthful offender or parolee records; prepare routine documents and records information relating to inmate's or youthful offender's classification, transfer, releases from and return to a facility and other actions affecting legal status; assemble case records files; enter inmate, youthful offender, or parolee data in a system; file various documents in inmate, youthful offender, or parolee files; answer inquiries from state, city, county, federal and private sector regarding inmate, youthful offender, or parolee records.

The proposed Supervising Case Records Technician will be the first supervisory level in the series. Incumbents plan, organize and direct the work of subordinate staff performing work in processing, maintaining and control of inmate, youthful offender or parolee records. Incumbents perform the full range of supervisory duties including interviewing and selecting staff; evaluating training needs and performance; assigning work; representing the unit supervised in management meetings; collecting, compiling, and summarizing data in report form regarding activities in the unit supervised; assisting in the development of workload projections and budgetary resources; reviewing, evaluating, and recommending operating procedures to reflect changes resulting from legislation or other factors; and participating as a member of a task force or work group evaluating business operations or procedures.

5. What is the decision-making responsibility of the subject class(es)?

The Case Records Technician is responsible for entering inmate or youthful offender work history information into the Offender Based Information System or automated database and researches and reconciles discrepancies with classification actions. They determine if issues need to be identified to their supervisor or a Correctional Case Records Analyst. Their duties include ensuring that proper coding is input in the Offender Based Information System or other databases, and determining if specific confidential information could be released to offices, staff or outside agencies.

The Supervising Case Records Technician has the responsibility of making decisions that affect subordinate staff in the office, determines workload and training needs of staff, determines if "release of information" is appropriate, and determines the need to elevate an error or discrepancy in an inmate, youthful offender or parolee file.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

If the Case Records Technician staff fail to perform their duties accurately and timely, the consequence will result in serious liability on behalf of the department and could result in an inmate, youthful offender or parolee released or discharged early or late jeopardizing public safety. Case records errors result in costly litigation, additional costs to apprehend or rearrest an inmate, youthful offender or parolee, negative media attention which will result in public interest, and decreases the department's position of public protection, trust and credibility. An inmate or youthful offender who is inappropriately housed due to improper endorsement or lack of compliance with a procedure poses an escape risk which could result in loss of life or injury to staff, inmates or youthful offenders. An incorrect entry date on an inmate, youthful offender or parolee record will cause inaccurate records for law enforcement agencies, victims, departmental staff and public agencies would be detrimental to processing, releasing, and incarcerating of inmates, youthful offenders and parolees. Inaccurate records may cause the untimely release of an inmate, youthful offender or parolee which will involve litigation and lawsuits filed against the department resulting in major costs to the department.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

There are no analytical requirements expected of the incumbents in the Case Records Technician or Supervising Case Records Technician classifications.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Incumbents in the subject classifications have contact with Attorney General's Office, District Attorney's Office, Judges, Prosecutors, Defense Attorneys, Probation Officers, Legislative Staff, Board of Parole Hearings and Youth Authority Administrative Committee staff, United States Immigration and Naturalization Service, Federal Bureau of Prisons, Department of Corrections from other states, law enforcement agencies, departmental management, peace officers and inmates', youthful offenders' and parolees' families, and public members.

Contacts made are to verify specific information that can be released on an inmate, youthful offender or parolee file. The District Attorney's Office may call the incumbents to verify legal commitment documents to establish a prior prison term or convictions of sexually violent offenses. Incumbents may answer questions, interpret information, give advice or make referrals to the appropriate law enforcement agencies; relays information from law enforcement agency contacts with parolees to appropriate units; sends notification letters to victims concerning inmate's or youthful offender's release or new parole consideration date; contacts Immigration and Naturalization Services to schedule dates for screening; and provides inmate, youthful offender and parolee data as appropriate.



**Need for New Class (if necessary)**

9. For new classes only: what existing classes were considered and why were they not appropriate?

The classifications of Office Assistant (General), Office Assistant (Typing), Word Processing Technician, Office Technician (General), Office Technician (Typing), Program Technician and Program Technician II are currently being used; however these classes no longer meet the needs of the department. The duties for these generalist classifications do not reflect the specific duties being performed. Furthermore, continued use of these classes will not address or curtail the high turnover rate the department is experiencing.

The Office Services Supervisor I (General) and (Typing) and the Office Services Supervisor II (General) classifications are also currently used; however, if CDCR continues using these classes rather than the proposed Supervising Case Record Technician, it may result in a lack of qualified candidates since the CDCR uses these classes in other areas throughout the department. While CDCR has delegation for these examinations, candidates who meet the minimum qualifications with general clerical experience will not meet the knowledges and abilities required to supervise the proposed Case Record Technician. Without the knowledge of the automated systems, the policies and processes (in accordance with laws) specific to case records, the department will continue to be disadvantaged in recruiting and retaining qualified staff.

**Minimum Qualifications**

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

Case Records Technician minimum qualifications:

Either I

One year of experience performing clerical duties in the processing and maintaining of office records. (Experience in California state service applied toward this requirement must have been acquired at a level of responsibility equivalent to Assistant Clerk.)

Or II

Two years of experience performing general clerical duties. and

Either equivalent to completion of the 12th grade; or completion of a business school curriculum.

Supervising Case Records Technician minimum qualifications:

Either I

In the California state service, one year of experience performing the duties of Case Records Technician, Range B.

Or II

Two years of clerical experience performing duties in the processing and maintaining of records. (Experience in the California state service applied toward this requirement must include one year in a class with a level of responsibility not less than Case Records Technician, Range B). And

Education: Either equivalent to completion of the 12<sup>th</sup> grade or completion of a business school curriculum.

### **Probationary Period**

The proposed probationary period for the Case Records Technician is 12 months. The proposed probationary period for the Supervising Case Records Technician is 12 months.

11. If a probationary period other than six months is proposed, what is the rationale?

A probationary period of 12 months is proposed for the Case Records Technician classification. Currently, Office Assistants (Typing) and (General) and Program Technicians are taking examinations to promote to Office Technician (Typing) and (General) and Program Technician II. Due to the proposed new deep class, employees are not required to examine to move through the ranges. Incumbents will move to Range B after 12 months of experience in Range A, and to Range C after 12 months of experience in Range B based on satisfactory work performance. New employees hired in the proposed Case Records Technician classification require training, gaining the requisite knowledge, and demonstrating appropriate skills prior to attaining permanent status in the classification. For this reason, a probationary period of 12 months is appropriate to effectively rate an employee's performance.

Current incumbents who are in classes being reallocated by State Personnel Board action to the Case Record Technician and who are currently on probation will only be required to complete the probation of their current classification. All new appointments to this class will be required to serve a 12-month probationary period.

A probationary period of 12 months is proposed for the Supervising Case Records Technician. This is consistent with other supervisory classifications.

### **Status Considerations**

12. What is the impact on current incumbents?

Employees currently performing the duties of the proposed Case Record Technician in the classifications of Office Assistant (General) and (Typing), Word Processing Technician, Program Technician, Program Technician II, and Office Technician (General) and (Typing) will be reallocated to the appropriate range of the Case Records Technician.

Employees in the class of Office Services Supervisor I (General and Typing) and Office Services Supervisor II (General) will be reallocated to the Supervising Case Records Technician.

The duties and responsibilities of the new classes are substantially included in the existing classes and the knowledges and abilities required in the new class have been substantially included in the examination for the existing classes.

Currently, there are approximately 105 Office Services Supervisor I (General and Typing) incumbents performing the duties of the Supervising Case Records Technician. An exception to the criteria used for determining reallocation eligibility is proposed for these incumbents who are performing the duties of the new class (Supervising Record Technician) to allow them to be reallocated by Board action. This exemption would result in approximately an 11.8% salary increase for the incumbents. The exemption is proposed based on the fact the incumbents have been performing the duties and responsibilities of the new class for a substantial period of time. If the Department were to examine for this class, these incumbents would more than likely be the most competitive. All future movement from Office Services Supervisor I (General and Typing) will be through examination.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Current employees will move by State Personnel Board reallocation.

#### Consulted With

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Janet Rodriguez, Chief, Correctional Case Records

Nancy Williams, Correctional Case Records Administrator

Patty Garnica, Correctional Case Records Administrator

Rachel Rios, Youth Authority Administrator

Dominac Hatfield, Office Services Supervisor II

Roxanna Williams, Business Manager

Cindy Facha, Correctional Business Manager I, CF

Phyllis Green, Office Services Supervisor I

Susan Fonner, Correctional Case Records Manager

Debra Mayer, Correctional Case Records Manager

Karen Elliott, Correctional Case Records Manager

Kasandra Staves, Correctional Case Records Manager

Susan Lorenz, Personnel Manager, Department of Mental Health

**CALIFORNIA STATE PERSONNEL BOARD****SPECIFICATION**

CASE RECORDS TECHNICIAN  
Series Specification  
(Established \_\_\_\_\_)

SCOPE

This series specification describes two classifications used by the California Department of Corrections and Rehabilitation to perform a variety of complex and technical work related to the processing, maintenance, and control of inmate, youthful offender, and parolee records on all persons committed to the Department.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
XS95	1155	Case Records Technician
XS90	1154	Supervising Case Records Technician

TYPICAL TASKS

Incumbents in this series are responsible for processing, maintaining, and controlling inmate, youthful offender, and parolee records. In accordance with State laws, rules, regulations, and departmental policies, incumbents respond to inquiries from departmental staff, Attorney General's Office, Board of Parole Hearings, Youth Authority Administrative Committee, law enforcement agencies, Federal and other state correctional departments, inmates', youthful offenders', and parolees' families, and public members requesting confidential information; enter inmate, youthful offender, or parolee data in an automated system and ensure accurate data entry; assemble, prepare, and review inmate, youthful offender, or parolee files; query a database for specific information on the location of an inmate, youthful offender, or parolee; file a variety of documents in the inmate, youthful offender, or parolee file including medical, psychiatric, dental, and related records, appeals, legal documents, Board of Parole Hearings, and Youth Authority Administrative Committee actions and reports; type a variety of forms and documents, reports, letters, correspondence, and discharge documentation; process packages for paroling inmates or youthful offenders; prepare paperwork and schedules hearings; maintain inmate, youthful offender, and parolee files; generate reports of data from an automated system or database; research, reconcile, and resolve information or database discrepancies; and process incoming mail for appropriate distribution to staff.

FACTORS AFFECTING POSITION ALLOCATION

Variety, complexity, and difficulty of work; supervision received; supervisory responsibilities; type and frequency of contacts with other staff within the Department, as well as with other state or Federal agencies, public agencies, members, and the public; the degree of independence and judgment required in making determinations; and the consequence of errors serve as the major differentiating factors between classes. Additional considerations which enter into determinations of borderline allocations include the experience and knowledge necessary to perform the work.

DEFINITION OF LEVELS

## CASE RECORDS TECHNICIAN

This is the entry, training, and full journey level for the series. Under close supervision, incumbents receive training in the technical work of processing, maintaining, and controlling inmate, youthful offender, and parolee records; prepare routine documents and records information relating to an inmate's or youthful offender's classification, transfer, releases from, and return to a facility and other actions affecting legal status; assemble case records files; enter inmate, youthful offender, and parolee data in an automated system; file various documents in inmate, youthful offender, and parolee files; and answer inquiries from State, city, county, Federal, and private sector, law enforcement agencies, and departmental employees regarding inmate, youthful offender, and parolee records.

## SUPERVISING CASE RECORDS TECHNICIAN

This is the supervisory level in the series. Incumbents plan, organize, and direct the work of subordinate staff engaged in processing, maintaining, and controlling inmate, youthful offender, and parolee records; perform the full range of supervisory duties including interviewing and selecting staff; evaluating training needs and performance; assigning work; representing the unit supervised in management staff meetings; collecting, compiling, and summarizing data in report form regarding activities in the unit supervised; assisting in the development of workload projections and budgetary resources; reviewing, evaluating, and recommending operating procedures to reflect changes resulting from legislation or other factors; participating as a member of a task force or work group evaluating business operations or procedures; and personally perform the more difficult work.

MINIMUM QUALIFICATIONS

## ALL LEVELS:

Experience applicable to one of the following patterns may be combined on a proportional basis with experience applicable to other patterns to meet the total experience requirements.

## CASE RECORDS TECHNICIAN

Either I

One year of experience performing clerical duties in the processing and maintaining of office records. (Experience in the California state service applied toward this requirement must have been acquired at a level of responsibility equivalent to an Assistant Clerk.)

Or II

Two years of experience performing general clerical duties. and

Education: Either equivalent to completion of the 12<sup>th</sup> grade or completion of a business school curriculum.

## SUPERVISING CASE RECORDS TECHNICIAN

Either I

In the California state service, one year of experience performing the duties of a Case Records Technician, Range B.

Or II

Two years of clerical experience performing duties in the processing and maintaining of office records. (Experience in the California state service applied toward this requirement must include one year in a class with a level of responsibility not less than a Case Records Technician, Range B.). and

Education: Either equivalent to completion of the 12<sup>th</sup> grade or completion of a business school curriculum.

KNOWLEDGE AND ABILITIES

## ALL LEVELS:

Knowledge of: Modern office supplies, equipment, and procedures; grammar, spelling, punctuation, and modern English usage; and arithmetic.

Skills in: Lifting, pulling, and carrying boxes and files weighing up to 25 pounds.

Ability to: Interpret written and numerical data; use personal computer/microcomputer systems and software applications in the performance of technical work; accurately enter data into a computerized database; learn and understand a broad range of technical data and apply it to individual cases; perform technical tasks in the correctional case record keeping process; file case records files and maintain a filing system; communicate effectively; perform mathematical computations; apply laws, rules, and regulations; interpret and use reference material; follow instructions; use tact and good judgment in dealing with fellow employees, the public, and other governmental entities; and operate office machines.

#### SUPERVISING CASE RECORDS TECHNICIAN

Knowledge of: All of the above, and the Department's purpose, organization, activities, and automated systems; rules, regulations, general organization, and procedures of the California Department of Corrections and Rehabilitation; the Equal Employment Opportunity Program; a supervisor's role in planning, organizing, and directing the work of subordinate staff; and the principles and practices of budgeting and personnel management.

Ability to: All of the above, and independently apply appropriate sections of the laws, rules, regulations, departmental policies, and procedures to specific situations; write clear and comprehensive reports, and communicate effectively and tactfully with internal and external contacts at all levels; analyze situations accurately and adopt an effective course of action; train new employees and effectively supervise subordinate staff; and contribute effectively to the Department's Equal Employment Opportunity Program.

#### SPECIAL PERSONAL CHARACTERISTICS

##### ALL LEVELS:

Willingness to work in a variety of correctional or parole settings; capacity for assuming progressively greater responsibility; tact; read or view potentially graphic or discomfoting information; and work long and unusual hours based on operational needs.

#### CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Case Records Technician		--	--
Supervising Case Records Technician		--	--

ccd/sks

## ALTERNATE RANGE CRITERIA 454

Established \_\_\_\_\_

Range A. This range shall apply to incumbents who do not meet the criteria for payment in Range B or Range C.

Range B. This range shall apply to incumbents who have satisfactorily completed the equivalent of 12 months of experience in the California state service performing duties equivalent to Case Records Technician, Range A.

Range C. This range shall apply to incumbents who have satisfactorily completed the equivalent of 12 months of experience in the California state service performing duties equivalent to Case Records Technician, Range B.

When the requirements for the particular criteria are met and upon recommendation of the appointment power, the employee shall receive a rate under the provisions of DPA Rule 599.674.



(May 18, 2007)

TO: STATE PERSONNEL BOARD

FROM: Maria Lopez, Personnel Officer  
Department of General Services

REVIEWED BY: Josie Fernandez,  
Personnel Program Manager  
Department of Personnel Administration

SUBJECT: The Department of General Services proposes to establish the class of Senior Real Estate Officer (Specialist) with a 12-month probationary period; reallocate incumbents to the new class; retitle the class of Senior Real Estate Officer to Senior Real Estate Officer (Supervisory); and revise the series specification for the Real Estate Officer to update and more thoroughly describe the current work and work requirements of the series classes.

SUMMARY OF ISSUES:

In accordance with a December 6, 2005 PERB settlement agreement (Case No. SA-UM-749-S) between the State of California (Department of Personnel Administration) and the SEIU Local 1000, California State Employees Association, the Department of General Services (DGS) proposes to establish the class of Senior Real Estate Officer (Specialist) class with a 12-month probationary period and reallocate impacted incumbents. DGS further proposes to retitle the class of Senior Real Estate Officer to Senior Real Estate Officer (Supervisory) and revise the series specification for the Real Estate Officer to update and more thoroughly describe the current work and work requirements of the series classes.

Prior to development of this proposal, DGS conducted a job analysis which involved multiple steps starting with the completion of job audit forms by impacted incumbents. The Human Resources staff met with a group of subject matter experts (Senior Real Estate Officers and their respective supervisors) who collectively reviewed the completed audit forms and developed task statements and a knowledge, skills and abilities (KSAs) listing for the subject classes. Both the task statements and KSAs were rated by the incumbents as to importance. Once that information was gathered, the proposed changes were developed.

CONSULTED WITH:

Doug Button, Deputy Director, RESD, DGS  
Fred Luzzi, Assistant Deputy Director, RESD, DGS  
Jim Derby, Assistant Chief, OREDS, DGS  
Dwight Weathers, Assistant Chief, OREDS, DGS  
Maria Lopez, Personnel Officer, DGS  
Jeanette Sweat, Associate Personnel Analyst, DGS  
Linda Bender, Associate Personnel Analyst, DGS  
State Personnel Board

Page 2

Jinny Munro, Labor Relations Officer, DGS  
 Jill Ellwood, Labor Relations Consultant, DGS  
 Jeannette Williams Gipson, Labor Relations Officer, DPA  
 Barbara Hudson, Staff Personnel Program Analyst, DPA  
 SEIU Representatives  
 Johanna Murphy, SCIF

In accordance with the terms of the DPA/Bargaining Unit 01 contract, DPA has notified the union in writing of this proposal.

#### CLASSIFICATION CONSIDERATIONS:

Please see attached proposal.

#### RECOMMENDATIONS:

1. That the class of Senior Real Estate Officer (Specialist) be established; the proposed specification for the class appearing in the Real Estate Officer series specification shown in the current calendar be adopted; and the probationary period for the class be 12-months.
2. That the title of the Senior Real Estate Officer be changed to Senior Real Estate Officer (Supervisory); and the proposed revised specification for the class as shown in this calendar be adopted.
3. That the proposed revised specifications for the following classes as shown in this calendar be adopted:
  - Real Estate Officer
  - Associate Real Estate Officer
  - Staff Real Estate Officer
  - Supervising Real Estate Officer
4. That the following resolutions be adopted:
  - a. WHEREAS the State Personnel Board on May 18, 2007 established the class of Senior Real Estate Officer (Specialist) and the duties and responsibilities of this class are substantially included in the existing class of Senior Real Estate Officer (Supervisory); and
 

WHEREAS the knowledge and abilities required for the class of Senior Real Estate Officer (Specialist) were substantially tested for in the examination for the class of Senior Real Estate Officer (Supervisory);

Therefore be it

Page 3

RESOLVED, That any person with civil service status in the class of Senior Real Estate Officer (Supervisory) on May 31, 2007 holding a position or who, within a period of one year from the date of Board action accepts a position which is classified in the class of Senior Real Estate Officer (Specialist) shall be deemed to have the same civil service status in that class without further examination; and be it further

RESOLVED , That any promotional list for the Department of General Services established for the class of Senior Real Estate Officer shall be used to certify to fill vacancies in the class of Senior Real Estate Officer (Specialist) and Senior Real Estate Officer (Supervisory) until lists are abolished, exhausted, or superseded by lists for the class of Senior Real Estate Officer (Specialist) and Senior Real Estate Officer (Supervisory).

## B. CLASSIFICATION CONSIDERATIONS

Page 1

## BACKGROUND

**1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.**

The Real Estate Officer series was created in 1989 by combining duties of the Land Agent and Leasing Officer classifications. The Leasing Officer series had a Staff level, but the Land Agent has never included a Staff level. The decision was made to include the Staff level and a Senior (supervisory) level in the new series, but no Senior (Specialist) level was created.

Prior to the 1997 RESD reorganization, the real estate staff had included a Senior REO that served as an appraisal expert, primarily on behalf of the Real Estate Program. Approved by the DPA, this Appraisal Specialist continues to administer the State-wide appraisal review function. The Proactive Asset Management Unit was established in response to Assembly Bill 3972; the unit included Senior REOs that served as Asset Management experts for the DGS.

## CLASSIFICATION CONSIDERATIONS

**2. What classification(s) does the subject class(es) report to?**

The Senior Real Estate Officers report to the Supervising Real Estate Officer level or higher.

**3. Will the subject class(es) supervise? If so, what class(es)?**

No

**4. What are the specific duties of the subject class(es)?**

Under general direction, the Senior Real Estate Officer (Specialist) independently performs highly specialized and sensitive appraisals, appraisal and transaction review portfolio management, long-range facilities planning, asset enhancement, and leasing negotiation in connection with a State-wide program of acquisition and development of real property. Such projects involve setting State-wide standards and direction for client State agencies on appraisals and identifying, evaluating, and managing all aspects of real estate development and sales projects. The Specialist initiates and manages contracts for consultants; provides specialized services related to real property acquisition and development, sale, and facility planning; advises management on complex issues involving land acquisition, portfolio management, and right-of-way.

Specialists are distinguished from staff level REOs by the assignment of projects which are characterized by extreme sensitivity (i.e., legislative interest, major litigation), extensive media coverage, interaction with local government elected officials, and/or high dollar value (many valued between \$1 and \$10 million). Specialists' duties associated with these projects are extremely complex in nature (i.e., severe disparity between environmental and developmental issues, complexity of ongoing monitoring of project implementation, difficulty in securing information, knowledge of capital outlay and budgetary process, uniqueness of project objectives, or the range and complexity of skills required).

## B. CLASSIFICATION CONSIDERATIONS

Page 2

**5. What is the decision-making responsibility of the subject class(es)?**

The Specialist represents the State in real estate matters. The Specialist makes recommendations to the DGS management team and control entities like the Department of Finance (DOF) that commit the State to a project or commit State funds in the range of tens to hundreds of millions of dollars (i.e., the West End State Office Project, the long-term lease of the Ziggurat Building, and the sale of Agnews).

**6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)**

Below are some of the potential problems that could result if the Specialist failed to perform their jobs:

- Overpayment by the State for a property or failure to realize optimum price for a valuable asset
- Financial impact (potentially millions or hundreds of millions of dollars) to the State if it failed to use/reuse an existing asset that could meet another State agency's program or facility requirements
- The title on the property might prove insufficient for the State's use
- Loss of funding due to delays in the acquisition of a property
- Leasing of private office space instead of using existing State assets
- Improper analysis of life-cycle costs for new development alternatives could result in the selection of more costly facilities in the few to hundreds of million of dollars
- Disadvantages to the State in the terms and conditions under which the State acquires or sells its property
- Failure of the State to acquire the optimum sites for its facilities
- Financial loss due to inefficiency in the management of State facilities, such as continuing to lease office space at high cost rather than developing a new State facility, which could potentially save tens to hundreds of millions of dollars over the life-cycle of the building
- Damage to the State's reputation resulting from faulty real estate planning and poorly planned and costly facilities.

**7. What are the analytical requirements expected of incumbents in the subject class(es)?**

The Specialists must have excellent analytical skills in order to perform site and market analyses. Incumbents must possess expert knowledge of real estate economics, State facility criteria, financing and development alternatives, local laws and regulations, State policy implications and the political climate. They must also have a thorough understanding of complex legal documents, including acquisition and sales contracts and lease contracts, State office building development, the Capital Outlay process, and a general understanding of the California Environmental Quality Act (CEQA). The Specialists must be able to analyze the needs of the State relative to State office building development and consolidation projects recommended in regional facilities and plan and coordinate the financing of the State's leasing/development activities. The Specialists must apply analytical ability in the development of a disposition strategy for the enhancement and eventual sale of surplus property. Incumbents must review and analyze appraisals and the real estate transactions of other State agencies to determine if they meet the policy and legal requirements of the State.

## B. CLASSIFICATION CONSIDERATIONS

Page 3

**8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?**

The Specialists may have to discuss and support the Real Estate Officers' analysis on complex real estate matters to the managers with the DGS, property owners, potential purchases, State and local agency department heads and their representatives, local political leaders, State legislators, the Legislative Analyst, the Department of Finance, elected officials, Capitol Area Development Authority (CADA) Board, redevelopment agencies, the federal government, the media, the Governor's Office and the public at large.

NEED FOR NEW CLASS (if necessary)

**9. For New classes only: what existing classes were considered and why were they not appropriate?**

## MINIMUM QUALIFICATIONS

**10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)**

A job analysis was conducted. A group of subject matter experts, those in the class and those supervising the class, met with Human Resources staff, who conducted the job analysis, to develop task statements and knowledge, skills and ability (KSAs) listings for the subject classes. Both the task statements and KSAs were rated by the incumbents in the class as to importance. Once that information was gathered, the proposed changes were developed.

One year of experience in California state service performing the duties of a classification comparable in level or responsibility to a Staff Real Estate Officer or two years of experience performing the duties of a classification comparable in level of responsibility to an Associate Real Estate Officer. (Persons with six months of Staff level qualifying experience or 18 months of Associate level qualifying experience may compete in the examination; however, the required experience must be completed before they can be considered for appointment.)

Or II

Experience: Five years of technical experience in one or a combination of the following: (1) appraisal or acquisition work involving market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) management of commercial rental properties; (5) portfolio management; (6) facility planning and (7) asset enhancement (experience in the California state service applied toward this requirement must include at least one year performing the duties of a classification comparable in level of responsibility to a Staff Real Estate Officer, or at least two years performing the duties of a classification comparable in level of responsibility to an Associate Real Estate Officer.)

And

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

## B. CLASSIFICATION CONSIDERATIONS

Page 4

PROBATIONARY PERIOD

☐ Six Months**11. If a probationary period other than six months is proposed, what is the rationale?**

The proposed probationary period for the new class of Senior Real Estate Officer (Specialist) is 12 months. The 12-month probationary period is consistent with other classes in the series and the specialized knowledge required. Current incumbents in the classification of Senior Real Estate Officer who are reallocated to the new class will not be required to serve a new probationary period. Incumbents in the classification of Senior Real Estate Officer who are reallocated to the new class and are currently serving a probationary period will continue to serve and complete the probationary period.

STATUS CONSIDERATIONS (see additional information in Part D).

**12. What is the impact on current incumbents?**

Only incumbents in the class of Senior Real Estate Officer will be impacted.

There will be a specification revision to the Real Estate Officer, Associate Real Estate Officer, Staff Real Estate Officer and Supervising Real Estate Officer. Incumbents will remain in their current class.

**13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.**

Incumbents in the class of Senior Real Estate Officer who are performing specialist duties will be reallocated to the new class of Senior Real Estate Officer (Specialist).

**14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.**

None

# CALIFORNIA STATE PERSONNEL BOARD

## SPECIFICATION

REAL ESTATE OFFICER  
Series Specification  
(Established April 11, 1989)

### SCOPE

This series specification describes ~~five~~ six Real Estate Officer classifications used to perform a variety of functions related to professional real estate services provided by the ~~Office of Real Estate and Design Services~~, Department of General Services. General activities will include site selection, providing real estate expertise to the State Public Works Board, appraisal, acquisition, appraisal and transaction review, leasing both as landlord and tenant, sale, relocation assistance, management regional portfolio management, project management, facility planning, and asset enhancement of real property, and conducting reviews the review of acquisition and leasing procedures and documents of all State acquisition agencies other than Caltrans the Department of Transportation, University of California, and State Lands Commission.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
KS74	9594	Real Estate Officer, Range A Range B Range C
KS73	9595	Associate Real Estate Officer
KS72	9596	Staff Real Estate Officer
KS69	9602	<u>Senior Real Estate Officer (Specialist)</u>
KS71	9597	<u>Senior Real Estate Officer (Supervisory)</u>
KS70	9598	Supervising Real Estate Officer

### DEFINITION OF SERIES(\*)

The Real Estate Officer series describes positions responsible for site selection, providing real estate expertise to the State Public Works Board, appraisal, acquisition, appraisal and transaction review, leasing (both landlord and tenant), sale, relocation assistance, and management regional portfolio management, due diligence, negotiation for and management of leased commercial space, facility planning, development, and management of real property EDP systems and asset enhancement of real property. Positions are responsible for the negotiation and management of leases for privately-owned space for the

\* Additional information regarding functions performed, complexity factors, and scope of responsibility, is contained in a separate document titled "Allocation Guidelines."



State's noninstitutional office and warehouse space needs. This responsibility includes reviewing, analyzing, and evaluating the State's need for leased facilities. Typical duties include appraising and negotiating the purchase, sale, rental, or donation of land such as beaches, parks, rights of ingress or egress, flowage easement rights, and building sites; negotiating and managing leases of State-owned space to the public or other governmental entities; securing, examining, and interpreting property records and title reports; preparing data for condemnation suits, providing relocation assistance, and occasionally acting as expert witnesses in court, performing project planning, managing, and status reporting activities; providing training for client liaison; and preparing and maintaining maps, reports, and statistical data~~;~~ and writing letters and memorandums.

#### ENTRY LEVEL

Entry into this series is typically at the Real Estate Officer, Range A.

#### FACTORS AFFECTING POSITION ALLOCATION

Differentiating factors between levels include supervision received and exercised, reporting level, variety~~;~~ and complexity of work, independence of action and decision making, consequence of error, and degree of technical expertise required.

#### DEFINITION OF LEVELS

##### REAL ESTATE OFFICER

This is the entry level training class and first working level in the series. Under the close supervision of a higher level Real Estate Officer, incumbents perform the less-difficult tasks related to the appraisal, acquisition, sale, and management of real property and the leasing and management of commercial space. Incumbents secure commercial leases of average difficulty, make simple appraisals, and perform routine negotiations for the purchase, sale, lease, rental, or donation of lands improvements but no authority to commit funds, and easements~~, and to do other related work.~~

Based on the appropriate alternate range criteria, incumbents advance to Range C and are assigned progressively more complex real estate work as their competence increases.

## ASSOCIATE REAL ESTATE OFFICER

This is the ~~full~~ journey level class of the Real Estate Officer series. Under general supervision of a higher level Real Estate Officer, incumbents work independently and are assigned complex and difficult duties related to all aspects of real estate acquisition, sales, portfolio management, facility planning, asset enhancement of real property, perform negotiations without authority to commit funds, and leasing programs. Incumbents have extensive public contact representing the State in dealings with property owners, real estate brokers and developers, tenants, and other government officials.

## STAFF REAL ESTATE OFFICER

Under general supervision of a higher level Real Estate Officer, incumbents in this class are at the full journey level and consistently work on the most more difficult, complex, and/or sensitive projects, independently formulating and developing solutions related to all aspects of real estate acquisition, sales, portfolio management, facility planning, and leasing programs. Such projects ~~typically will involve negotiations regarding out of State or out of the country facilities, the largest State departments, departments headed by Constitutional Officers, sensitive Boards and Commissions, and the California State University Chancellor's Office.~~ Incumbents have extensive public contact representing the State in dealings with property owners, real estate brokers and developers, tenants, and other government officials, and perform negotiations without the authority to commit funds. Approximately 25 to 50% of the incumbents' time ~~is~~ may be spent as leads to leading a small groups matrix team of approximately two to four lower-level Real Estate Officers and other classifications on major projects for large departments with multiple facilities such as Caltrans and the Department of Corrections.

SENIOR REAL ESTATE OFFICER (SPECIALIST)

Under general direction, incumbents in this class are at the super-journey level and perform as nonsupervisory experts and consistently work on the most difficult, complex, and/or sensitive projects with extensive public contact in a combination of the following tasks: independently reviewing real estate appraisals and transactions of other State agencies; providing real estate acquisition and sales expertise in managing projects; property due diligence; developing negotiation strategies without the authority to commit funds; independently negotiating complex leases without the authority to commit funds and providing expert analysis of financial mechanisms, portfolio management, customer interface, and market/economic indicators impacting leasing activities; performing analyses, growth, and economic forecasts; providing expertise and participating in all phases of asset management and development; performing strategic planning used to develop regional and facilities plans; and making recommendations on new space requests from client agencies in order to

optimize the use of State resources and contract management. Approximately 25% to 50% of the incumbents' time may be spent leading a small matrix team of approximately two to four lower-level Real Estate Officers and other classifications on major projects for large departments with multiple facilities.

#### SENIOR REAL ESTATE OFFICER (SUPERVISORY)

This is the first full supervisory level. Under general direction, incumbents plan, organize, and direct the work of a moderate size staff of ~~five~~ three to 12 ~~nine~~ Real Estate Officers, Associate Real Estate Officers, and/or Staff Real Estate Officers engaged in one or more of the following program areas: appraisal of real property, acquisition, sale, and asset enhancement of real property, sale of real property, management of real property, negotiation for and management of leased commercial space with the authority to commit funds up to \$25K per month, regional portfolio management, facility planning, and development and management of real property EDP systems.

In addition to their supervisory duties, incumbents may also be assigned occasionally to independently perform highly specialized and sensitive appraisal, appraisal review, leasing negotiation, and asset management work in connection with a statewide program of acquisition and development of real property. Such projects would involve setting statewide standards and direction for client State agencies on appraisals; identifying, evaluating, and managing all aspects of real estate development projects; and initiating and managing contracts for consultants and specialized services related to real property acquisition and development.

#### SUPERVISING REAL ESTATE OFFICER

This is the second supervisory level. Under general direction, incumbent directs and manages the activities of a staff including three to five Senior Real Estate Officers (Specialist) or (Supervisory) engaged in a statewide and service-wide program of real estate acquisition and development, including the appraisal, acquisition, ~~sale, and management~~ asset enhancement of real property, regional portfolio management, facility planning, and the leasing and management of commercial or warehouse space; assists the Chief in the development and implementation of overall department and statewide policy; formulates goals, policies, methods of operation, and resource needs and application to carry out program responsibilities; advises department management on laws, rules, regulations, and the most complex technical aspects of real property acquisition and development programs; appears before the Public Works Board, Victims Compensation and Government Claims Board of Control, Legislative Committees, and interested private groups to explain, interpret, and defend the State's real estate policies and programs; develops and recommends

positions on proposed legislation which may affect the assigned area of program responsibility; works closely with the Attorney General's Office on settlement of condemnation cases; and performs negotiations with the authority to commit funds up to \$250K per month.

#### MINIMUM QUALIFICATIONS

##### REAL ESTATE OFFICER

##### Either I

Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Registration as a senior in an accredited college or university or equivalent institution approved by the California Superintendent of Public Instruction under the provisions of California Education Code Section 94310 will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

##### Or II

Experience: Two years of technical experience performing work in one or more of the following: (1) appraisal or acquisition work involving fair market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) management of commercial rental properties; (5) portfolio management; (6) facility planning; or (7) asset enhancement of real property ~~+[experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referenced to in this requirement (1) above+]~~. and

Education: Equivalent to completion of an associate of arts degree with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted on a year-for-year basis.)

##### Or III

One year of experience in the California state service performing the duties of a class comparable in level of responsibility to a Management Services Technician, Range B, in an assignment involving the appraisal, acquisition, sale, and ~~management~~ asset enhancement of real property, and the leasing and ~~management~~ asset enhancement of commercial space. (Persons with six months of qualifying experience in the California state service may compete in the examination; however, one year of experience must be completed before they can be considered eligible for appointment.)

## ASSOCIATE REAL ESTATE OFFICER

Either I

One year of experience in the California state service performing duties in a class comparable in level of responsibility to a Real Estate Officer, Range C. (Persons with six months of qualifying experience comparable to Range C in the California state service may compete in the examination; however, one year of experience must be satisfactorily completed before they can be considered eligible for appointment.)

Or II

Experience: Four years of technical experience in one or a combination of the following: (1) appraisal or acquisition work involving market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) ~~management~~ asset enhancement of commercial rental properties; (5) portfolio management; (6) facility planning; or (7) asset enhancement of real property ~~+[experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referred to in this requirement (1) above+]~~. (Experience in the California state service applied toward this requirement must include at least one year performing the duties of a class comparable in level of responsibility to a Real Estate Officer, Range C.) and

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

## STAFF REAL ESTATE OFFICER

Either I

One year of experience in the California state service performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer. (Persons with six months of qualifying experience may compete in the examination; however, one year of experience must be completed before they can be considered eligible for appointment.)

Or II

Experience: Four years of technical experience in one or a combination of the following: (1) appraisal or acquisition work involving market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) ~~management~~ asset enhancement of commercial rental properties; (5) portfolio management; (6) facility planning; or (7) asset enhancement of real property ~~+[experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referred to in this requirement (1) above+]~~. (Experience in the California state service applied toward this

requirement must include at least one year performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer.) and

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

#### SENIOR REAL ESTATE OFFICER (SPECIALIST)

##### Either I

One year of experience in the California state service performing the duties of a Staff Real Estate Officer (persons with six months of Staff Real Estate Officer qualifying experience may compete in the examination; however, the required experience must be completed before they can be considered eligible for appointment).

##### Or II

Two years of experience performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer (persons with 18 months of Associate level qualifying experience may compete in the examination; however, the required experience must be completed before they can be considered eligible for appointment).

##### Or III

Experience: Five years of technical experience in one or a combination of the following: (1) appraisal or acquisition work involving market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) asset enhancement of commercial rental properties; (5) portfolio management; (6) facility planning; or (7) asset enhancement of real property [experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referred to in (1) above]. (Experience in the California state service applied toward this requirement must include at least one year performing the duties of a class comparable in level of responsibility to a Staff Real Estate Officer, or at least two years performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer.)

##### and

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

#### SENIOR REAL ESTATE OFFICER (SUPERVISORY)

##### Either I

One year of experience in the California state service performing the duties of a class comparable in level of responsibility to a Staff Real Estate Officer or two years of experience performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer. (persons with six months of Staff level Real Estate

~~Officer qualifying experience or 18 months of Associate level qualifying experience~~ may compete in the examination; however, the required experience must be completed before they can be considered eligible for appointment.)

Or II

Two years of experience performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer (persons with 18 months of Associate level qualifying experience may compete in the examination; however, the required experience must be completed before they can be considered eligible for appointment).

Or III

Experience: Five years of technical experience in one or a combination of the following: (1) appraisal or acquisition work involving market value as applied to transfer and sale of real property; (2) commercial leasing; (3) leased facilities program development; (4) ~~management~~ asset enhancement of commercial rental properties; (5) portfolio management; (6) facility planning; or (7) asset enhancement of real property; at least one year of which must have been in a supervisory capacity ~~+[experience in real estate sales or transfers will not be considered equivalent to the appraisal or acquisition work referred to in this requirement (1) above+]~~. (Experience in the California state service applied toward this requirement must include at least one year performing the duties of a ~~class comparable in level of responsibility to a~~ Staff Real Estate Officer, or at least two years performing the duties of a class comparable in level of responsibility to an Associate Real Estate Officer.) and

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

# SUPERVISING REAL ESTATE OFFICER

Either I

Two years of experience in the California state service performing the duties of a class comparable in level of responsibility to a Senior Real Estate Officer (Specialist) or (Supervisory), ~~or three years of experience performing the duties of a class comparable in level of responsibility to a Staff Real Estate Officer. (Persons within six months of having the qualifying experience in the California state service may compete in the examination; however, the required experience must be completed before they can be considered for appointment.)~~

Or II

Three years of experience performing the duties of a Staff Real Estate Officer. (Persons within six months of having the qualifying experience in the California state service may compete in the

examination; however, the required experience must be completed before they can be considered eligible for appointment.)

Or III

Experience: Five years of experience in a real property acquisition or development function or in a large facilities management function involving difficult and complex appraisal, acquisition, ~~or~~ lease negotiation activities, portfolio management, facility planning, or asset management of real property, two years of which must have been in a full supervisory or administrative capacity. ~~+[Experience in the California state service applied toward this requirement must include at least two years performing the duties of a class comparable in level of responsibility to a Senior Real Estate Officer (Specialist) or (Supervisory).+]~~ and

Education: Equivalent to graduation from college with major work in Business Administration, Real Estate, Marketing, Urban Development, Economics, or a related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

KNOWLEDGE AND ABILITIES

ALL LEVELS:

Knowledge of: Factors involved in appraising property; principles, methods, and techniques used in the acquisition or disposition of real property and in negotiating commercial leases; legal procedures and documents involved in real property transactions; real property law concerned with acquisition, eminent domain, leasing, and sale of real property; rural and urban property values and the effect of economic trends upon value, price, and construction cost of improvements; portfolio management; due diligence; negotiation for and asset enhancement of leased commercial space; facility planning; asset enhancement of real property; and common methods of legally describing real property.

Ability to: Understand and apply the laws, policies, rules, and regulations relating to the appraisal, acquisition, and leasing of real property for public use purposes; negotiate effectively; appraise real property accurately; read and interpret maps, plans, and data relating to property locations; write clear and concise reports; analyze situations and data accurately and adopt an effective course of action; establish and maintain cooperative relations with those contacted in the course of the work; ~~speak and write clearly~~ and communicate effectively.

STAFF REAL ESTATE OFFICER

Ability to: All of the above; and the ability to effectively lead and direct the work of other Real Estate Officers.



SENIOR REAL ESTATE OFFICER (SPECIALIST)

Knowledge of: All of the above, and principles, practices, and trends of public and business administration, including management analysis, planning, and program evaluation; formal and informal aspects of the legislative process, budget process, and the administration and Department's goals and policies; principles and practices of real estate asset management such as real estate acquisition, development, leasing, sales, planning (long-range and tactical), including the concept of real estate evaluation and building operational costs, cost/benefit analysis and economics; factors and considerations in appraising real property and real property rights; development and asset enhancement of real property EDP systems; legal descriptions, procedures, and documents involved in real property transactions; principles, methods, and techniques used in the acquisition, disposition, or leasing of real property; financial analysis principles and concepts as it relates to real estate asset management such as real estate acquisition, development, leasing, sales, and planning; rural and urban property values and their effect on economic trends upon value, price, and construction cost of improvements; computer software (i.e., databases, spreadsheets, project management software, Outlook, etc.); negotiation techniques and strategies; project management concepts and principles; and leadership skills, techniques, and methods.

Ability to: All of the above, and interpret and apply laws, rules, regulations, and policies as related to real estate asset management such as real estate acquisition, appraisal, development, leasing, sales, and planning; analyze situations accurately, make recommendations, and/or take effective action as it relates to real estate asset management such as real estate acquisition, appraisal, development, leasing, sales, and planning; establish and maintain cooperative relations with departmental employees, personnel from other State agencies, staff from Federal and/or local agencies, stakeholders, vendors, consultants, and/or the public regarding technical and program matters; effectively negotiate and apply methods, techniques, and strategies used in the negotiation of leases, acquisition, disposition, and management of real property; interpret complex data used to legally describe real property; perform accurate financial analysis and evaluation as it applies to real estate appraisal, management, acquisition, development, leasing, and sales; prepare technical reports, documents, memoranda, and materials relating to a variety of real property transactions; take action and/or make commitments in a variety of situations; coordinate several competing projects or activities; operate computer software (i.e., databases, spreadsheets, project management software, Outlook, etc.); represent the department and the division and make effective public presentations to large audiences; perform and understand mathematical functions and processes sufficient to analyze real estate value, finance and economic trends, and specific real estate deal points for acquisition, sale, or leasing of real property; and work effectively in a matrix team environment.

SENIOR REAL ESTATE OFFICER (SUPERVISORY)  
SUPERVISING REAL ESTATE OFFICER

Knowledge of: All of the above, and ~~principles, practices, and trends of public and business administration, including management analysis, planning, and program evaluation; program management; formal and informal aspects of the legislative process and the administration and Department's goals and policies; principles and practices of real estate sales and leases, technical aspects in real estate sales and leases, real property appraisal, office building management and inspection for contract compliance; principles and techniques of personnel management and supervision; planning, organizing and directing the work of others; the Department's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives~~ principles, practices, and techniques of program management to direct and oversee real estate programs; supervisory principles, practices, and techniques to plan, oversee, and direct the work activities of subordinate employees; training methods and techniques used to provide training to staff; appropriate corrective actions and progressive disciplinary techniques; and a supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: ~~Apply and interpret State policies and regulations as they relate to real estate management; analyze situations accurately, make recommendations and take effective action; establish and maintain cooperative relationships with those contacted in the work; prepare reports, analyze data, present ideas and information effectively, both orally and in writing; consult with and advise administrators on technical and program subject matter areas; plan, organize and direct the work of others; effectively contribute to the Department's affirmative action objectives~~ All of the above, and interpret and apply State and/or Departmental policies and regulations as they relate to personnel management practices; give clear, accurate instructions and directions related to work assignments and performance expectations to staff; plan for efficient use of personnel and resources; monitor work of subordinate employees; and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL REQUIREMENTS

ALL LEVELS:

Interest in and aptitude for real property appraisal, acquisition, and commercial lease negotiation work; demonstrated creative ability; tact; patience; willingness to work at odd hours; willingness to

multi-task in a stressful environment, to think creatively, and problem solve in a variety of situations, to continually learn and assimilate new information, to lift office supplies, books and manuals weighing up to ten pounds, and to walk over a variety of different terrains; and to travel independently throughout the State.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Real Estate Officer	4/11/89	--	--
Associate Real Estate Officer	4/11/89	--	--
Staff Real Estate Officer	4/11/89	--	--
<u>Senior Real Estate Officer</u> <u>(Specialist)</u>			
Senior Real Estate Officer <u>Supervisory)</u>	4/11/89	--	--
Supervising Real Estate Officer	4/11/89	--	--

(Cal. 05/18/07)

**MEMO TO :** STATE PERSONNEL BOARD

**FROM :** KAREN COFFEE, Chief, Merit Employment and  
Technical Resources Division

**SUBJECT :** Staff Calendar Items for Board Information

**BLANKETING HALF MOON BAY FIRE PROTECTION DISTRICT  
EMPLOYEES INTO STATE CIVIL SERVICE**

Page

501

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the employees from the Half Moon Bay Fire Protection District be transferred into State civil service.

To: State Personnel Board

From: Karen Coffee, Chief  
Jennifer Roche, Personnel Analyst  
Personnel Resources and Innovations Division

Subject: Blanketing Half Moon Bay Fire Protection District Employees into  
State Civil Service

**PROPOSED ACTION:**

The California Department of Forestry and Fire Protection (CAL FIRE) requests that the employees from the Half Moon Bay Fire Protection District be transferred into State civil service.

Staff is in agreement with this proposal.

**CONSULTED WITH:**

Larry Menth, Chief, Labor and Human Resources, California Department of Forestry and Fire Protection

Cheryl Robertson, Manager, Personnel Services, California Department of Forestry and Fire Protection

Tony Favro, Manager, Classification and Pay Unit, California Department of Forestry and Fire Protection

Denise Masuhara, Associate Personnel Analyst, Classification and Pay Unit, California Department of Forestry and Fire Protection

**BACKGROUND:**

1. Effective June 1, 2007, CAL FIRE will enter into an agreement with the Half Moon Bay Fire Protection District to provide fire protection services. CAL FIRE will assume responsibility for command and control of operations, personnel management, community preparedness services, fire prevention and fire protection planning, training and safety, and equipment and facility maintenance of the Half Moon Bay Fire Protection District.

A cooperative fire agreement sets forth the fire protection services to be furnished by the State, administered by the CAL FIRE's Unit Chief, with reimbursement of costs made to the State by the local agency.

The authorized positions will be within the civil service; and the salaries, hours, fringe benefits, and working conditions are established in accordance with State civil service law and rules.

To ensure continuity of operation and a minimum of disruption to ongoing functions, it is proposed to transfer the Half Moon Bay Fire Protection District employees to equivalent State civil service classifications without examination effective June 1, 2007.

2. All persons subject to transfer under this proposal will be allocated to existing State civil service classes in accordance with State Personnel Board Rule 275, Transferring Into State Civil Service. No new classes are proposed.

As provided in SPB Rule 275, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate class in the State classification plan and in accordance with standards and procedures established by the executive officer." (Authority: Government Code Section 18701).

Government Code Section 19994 further provides in part that "...the Department (Department of Personnel Administration) may determine the extent, if any, to which the employees employed by the other public agency on the date of transfer are entitled to have credited to them in the State civil service, seniority credits, accumulated sick leave, and accumulated vacation because of service with the former agency...The Department shall limit that determination to the time any transferred employees were employed in the specific function or a function substantially similar while in the former agency and the seniority credits and accumulated sick leave and accumulated vacation shall not exceed that to which each employee would be entitled if he or she had been continuously employed by the State of California."

3. CAL FIRE staff has reviewed and compared duties and salaries of employees transitioned and is satisfied that they can appropriately be classified as follows:

1	<i>Assistant Chief</i>
1	<i>Battalion Chief</i>
1	<i>Staff Services Analyst</i>
1	<i>Office Technician (Typing)</i>
1	<i>Heavy Equipment Mechanic</i>
3	<i>Fire Apparatus Engineers</i>
14	<i>Fire Apparatus Engineer (Paramedics)</i>
3	<i>Fire Captains</i>
5	<i>Fire Captain (Paramedics)</i>

4. CAL FIRE states that layoffs will not occur as a result of this action. The current incumbents are already performing these duties at the local level and positions are being established. However, in the event of a layoff in the classes being used in the Half Moon Bay Fire Protection District contract, the blanketed-in employees will be subject to the layoff rules of the California State civil service.

## RECOMMENDATION:

That the following resolution be adopted:

WHEREAS State Personnel Board Rule 275 states, "When it is necessary for the State of California to assume work previously performed by a county, city, federal department or agency, or public district, the Board by resolution shall permit the employees who previously performed the work to qualify in State service in their positions upon allocation of their positions to an appropriate class in the State classification plan and in accordance with standards and procedures established by the executive officer;" and

WHEREAS effective **June 1, 2007**, the California Department of Forestry and Fire Protection will assume the functions of the Half Moon Bay Fire Protection District. Therefore be it

RESOLVED, that effective **June 1, 2007**, the civil service employees now employed by the Half Moon Bay Fire Protection District shall be transferred to equivalent State classifications as determined by the California Department of Forestry and Fire Protection as shown below without examination; and be it further

RESOLVED, that all persons holding Half Moon Bay Fire Protection District positions for one year or more immediately preceding the effective date of such action shall continue to hold their positions as permanent civil service employees in the equivalent State classifications; and be it further

RESOLVED, that all persons holding Half Moon Bay Fire Protection District positions for less than one year immediately preceding the effective date of such action shall continue to hold their positions subject to the probationary period established for the State classification to which assigned; and be it further

RESOLVED, that the Half Moon Bay Fire Protection District has no employees currently on non-pay status; and be it further

RESOLVED, that any Half Moon Bay Fire Protection District employee who is injured or becomes ill on the job prior to the effective date of **June 1, 2007**, shall not be transferred to the equivalent State classification until such time as the employee is medically released to full duty; and be it further

RESOLVED, that all persons who have previously held Half Moon Bay Fire Protection District positions that are now to be under the California Department of Forestry and Fire Protection shall have all civil service rights that would have accrued if such former service had been under State civil service.

<b>HALF MOON BAY FIRE DISTRICT CLASSIFICATION</b>	<b>CAL FIRE STATE CLASSIFICATION</b>
Interim Fire Chief	Assistant Chief
Division Chief	Battalion Chief
Administrative Secretary	Staff Services Analyst
Administrative Assistant	Office Technician (Typing)
Fire Mechanic	Heavy Equipment Mechanic
Firefighter	Fire Apparatus Engineer
Firefighter (Paramedic)	Fire Apparatus Engineer (Paramedic)
Fire Captain	Fire Captain
Fire Captain (Paramedic)	Fire Captain (Paramedic)

**APPROVAL**

SPB Staff Signature: *Ram Lopez*

Title: Chief, Merit Employment and Technical Resources Division

Effective Date: 5/3/07